

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

D. GEORGE SWEIGERT

Plaintiff,

vs.

JASON GOODMAN,

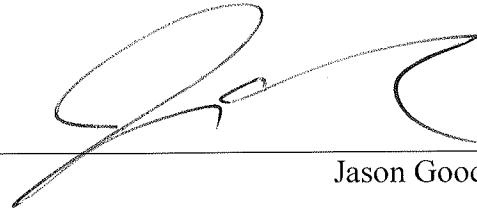
Defendant

Case No.: 1:18-cv-08653-VEC-SDA

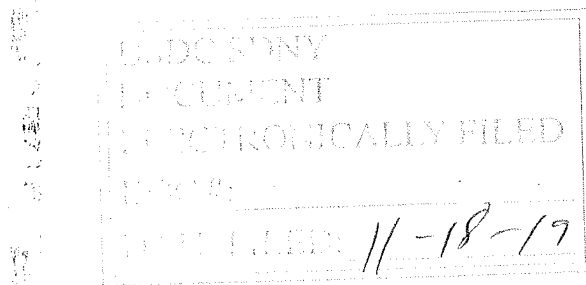
**MEMORANDUM OF LAW IN SUPPORT  
OF MOTION TO DISMISS PURSUANT  
TO FED. R. CIV. P. 12(B)(6)**

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS PURSUANT TO  
FED. R. CIV. P. 12(B)(6)**

November 18, 2019



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## I. INTRODUCTION

Defendant Goodman is a documentary filmmaker, journalist and host of an internet-based news, information and entertainment talk show called Crowdsourcing the Truth. Goodman hosts a wide array of guests and co-hosts on his show. For a period of approximately four months during 2017, George Webb Sweigert (hereinafter “Webb”) was a recurring co-host. Webb is the brother of Plaintiff in this instant legal action, D. George Sweigert (hereinafter “Sweigert”). Goodman has never met Sweigert and was unaware of Sweigert prior to working with Webb. During the four-month period of collaboration, Webb introduced Goodman to several individuals who Goodman believes have each carried out a role in a persistent and ongoing conspiracy intended to defame Goodman, destroy his business, deprive him of economic opportunities and disrupt his personal life.

The alleged conspiracy includes elements of cyberstalking and harassment as well as harassment and stalking in the real world. It is Defendant’s belief that this instant legal matter itself is NOT a legitimate claim of injury seeking relief, but rather an element of the alleged conspiracy intended to harass Goodman. Evidence shows that the co-conspirators planned not only this legal action, but multiple simultaneous lawsuits against Goodman in jurisdictions around the United States as a means of extorting money from Goodman and chilling his journalistic efforts.

## II. BACKGROUND

On June 13, 2017 Webb introduced Goodman to Robert David Steele (hereinafter “Steele”) telephonically via a Skype video conference. Webb and Steele were together at a restaurant in Virginia where they met in person for lunch. Defendant is unaware of what Webb and Steele discussed during that in-person meeting. The following day Webb participated in a YouTube video broadcast with Goodman in which Webb reported information indicating the potential danger of a “dirty bomb” aboard a ship landing in the Port of Charleston, SC. During this broadcast, Webb introduced the notion and specific language of a “dirty bomb”. Webb told Goodman the risk was so great if such an incident did occur, it could create catastrophic damage and loss of life beyond the scope of 9/11. Webb further warned Goodman, knowing this information and not reporting it to authorities could itself be a felony, misprision, a crime previously unknown to Goodman. It is Defendant’s belief that Webb told Goodman these things in an attempt to incite Goodman to call the authorities and trigger the events that followed. It is Goodman’s belief that Webb, Sweigert and Steele were among a group of individuals who were aware of and complicit in a plan to coerce Goodman into a situation that would result in a claim of Goodman initiating a “bomb hoax” and then propagating that accusation throughout social media, mainstream media and the civil justice system.

Plaintiff has written and self-published a book based on the false allegation that Goodman planned and oversaw this alleged “dirty bomb hoax”. The book utilizes multiple unauthorized copyright protected images of Defendant potentially violating his NYS CVR § 50-51 rights and is sold by Plaintiff for profit on Amazon.com ([https://www.amazon.com/Report-Charleston-Dirty-Social-](https://www.amazon.com/Report-Charleston-Dirty-Social-Liability/dp/1717056792/ref=sr_1_1?keywords=dave+sweigert&qid=1574040236&sr=8-1)

[Liability/dp/1717056792/ref=sr\\_1\\_1?keywords=dave+sweigert&qid=1574040236&sr=8-1](https://www.amazon.com/Report-Charleston-Dirty-Social-Liability/dp/1717056792/ref=sr_1_1?keywords=dave+sweigert&qid=1574040236&sr=8-1)).  
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1 The book downplays key facts, such as the U.S. Coast Guard, FBI and local authorities'  
2 investigation which included the arrest and interrogation of Webb, in its effort to falsely  
3 implicate Goodman. No charges were brought against anyone in relation to the Port of  
4 Charleston matter. No one involved in the official investigation ever contacted Goodman and he  
5 has never been accused of any crime or alleged wrongdoing. When Goodman contacted the  
6 Coast Guard seeking information, he was told they could not speak with him because Webb had  
7 initiated civil action against their department, and Goodman was named in the action. Despite  
8 this fact, for more than two years, Plaintiff and others including denied Intervenor Applicant  
9 Steve Outtrim (hereinafter "Outtrim") have been persistently attempting to convince thousands  
10 of viewers on the internet, President pro tempore of the South Carolina Senate Hugh  
11 Leatherman, numerous members of the U.S. Congress, the U.S. Coast Guard and various District  
12 Courts around the United States that Defendant was responsible for a bomb hoax.

15 Plaintiff either launched or participated in promoting the launch of an online petition on  
16 Change.org which utilizes an unauthorized copyright protected image of Defendant potentially  
17 violating his NYS CVR § 50-51 rights and depicts Defendant with the text "Dirty Bomb Hoaxer"  
18 attributing the Port of Charleston incident to Defendant and calling for his indictment and  
19 incarceration. ([https://www.change.org/p/s-c-senator-hugh-leatherman-indict-the-charleston-iii-](https://www.change.org/p/s-c-senator-hugh-leatherman-indict-the-charleston-iii-for-closing-the-port-of-charleston-with-a-dirty-bomb-hoax)  
20 [for-closing-the-port-of-charleston-with-a-dirty-bomb-hoax](https://www.change.org/p/s-c-senator-hugh-leatherman-indict-the-charleston-iii-for-closing-the-port-of-charleston-with-a-dirty-bomb-hoax)) It is Defendant's belief that the  
21 intention of this petition is to create the appearance of a grass roots movement demanding  
22 Defendant be prosecuted, and to use the existence of the petition to further smear Defendant's  
23 worldwide reputation. The signatures and comments appear to be generated at least in part by  
24 Plaintiff's co-conspirators including Manuel Chavez III (hereinafter "Chavez"). A second  
25 petition was created by "Concerned Citizens of the United States"

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1 ([https://www.change.org/p/cong-duncan-hunter-we-demand-the-gao-investigate-the-port-of-](https://www.change.org/p/cong-duncan-hunter-we-demand-the-gao-investigate-the-port-of-charleston-dirty-bomb-hoax-no-more)  
2 [charleston-dirty-bomb-hoax-no-more](https://www.change.org/p/cong-duncan-hunter-we-demand-the-gao-investigate-the-port-of-charleston-dirty-bomb-hoax-no-more)) Although the author is anonymous, the content of the  
3 written copy is substantially the same as the message Plaintiff has been repeating and the image  
4 used is exactly the same as a graphic used in Plaintiff's book. This is highly suggestive that  
5 Plaintiff created this petition in a surreptitious way to further his agenda without revealing his  
6 identity.  
7

8       Shortly after the Port of Charleston incident Steele brought suit against Goodman in the  
9 Eastern District of Virginia (3:17-cv-00601-MHL). Steele's Complaint relies entirely on the  
10 Port of Charleston incident as a triggering event. In his complaint, Steele falsely alleges that he  
11 terminated his working relationship with Goodman after learning Goodman would be arrested by  
12 NYPD for calling in a "bomb hoax". Steele published this libelous accusation to Webb in an  
13 email exchange between the three. **(EXHIBIT A)** No such arrest was ever made; no warrant  
14 was issued for Goodman's arrest and all indications show that Steele invented this allegation in  
15 an attempt to intimidate Goodman.  
16  
17

18       It is Defendant's belief that Steele, Webb, Sweigert and others have coordinated their efforts  
19 in furtherance of a scheme intended to extort money from the Defendant by suing him in  
20 multiple jurisdictions simultaneously and attempting to destroy his business and worldwide  
21 reputation with a coordinated online harassment and defamation campaign coupled with a real-  
22 world harassment campaign which includes this instant legal action.  
23

24       Plaintiff and Steele are both ex-military and claim various specialties in areas of military  
25 intelligence. It is Defendant's belief that members of the alleged conspiracy communicate and  
26 operate in ways that are carefully designed with consideration for the Federal Rules of Civil  
27 Procedure and the Federal Rules of Evidence, to avoid discovery and complicate civil litigation.  
28



1 Plaintiff attempted to intervene in Steele's EDVA (3:17-cv-00601-MHL) suit on February  
2 19, 2019 **(EXHIBIT B)**. It is Defendant's belief this was not done in pursuit of relief from  
3 actual injury, but rather in an effort to multiply the proceedings, exacerbate the complexity of  
4 Goodman's legal defense and increase the likelihood of a settlement or default to Steele's  
5 benefit. Sweigert's attempt to intervene was denied by the Honorable M Hannah Lauck.  
6 **(EXHIBIT C)** The Court denied Sweigert's Motion to Intervene, (3:17-cv-00601-MHL ECF  
7 No. 93) and refused to consider future filings by Sweigert. The Court denied as moot Sweigert's  
8 other motions. (3:17-cv-00601-MHL ECF Nos. 102, 108, 124.) The Court struck Sweigert's  
9 miscellaneous filings from the record. (3:17-cv-00601-MHL ECF Nos. 51, 54, 55, 56, 58, 59, 60,  
10 75, 77, 84, 103, 120, 137, 138, 140, 142, 145, 147, 149, 150). These decisive orders from the  
11 honorable M Hannah Lauck further Defendant's belief that Plaintiff's complaints are frivolous,  
12 his filings vexatious and they have no ability to succeed on merits.  
13

14  
15 To the best of Defendant's knowledge, Sweigert became aware of Defendant via social  
16 media at the time Defendant began working with his brother, Webb. Defendant has reason to  
17 believe some animosity may exist between the brothers as they have each separately, publicly  
18 admitted that Webb has allegedly had sexual intercourse with Sweigert's former wife. Despite  
19 this alarmingly unsavory allegation, the brothers continue to cooperate from time to time, even  
20 appearing in videos to further defame Defendant and his associates. (see Morning Mayan,  
21 George Webb and Dave Acton <https://www.youtube.com/watch?v=NNlxpqJrsCA>).  
22

23  
24 Shortly after Goodman began collaborating with Webb, Sweigert started his campaign of  
25 cyber harassment, bullying, and menacing including taunts targeting Defendant in online  
26 YouTube videos, blog posts, tweets etc. Plaintiff also initiated a letter writing campaign which  
27 has included harassing Goodman's business associates and talk show guests and going as far as  
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1 sending false statements to law enforcement and members of the U.S. Military including Coast  
2 Guard Captain Jason Tama (**EXHIBIT D**).

3 In the letter to Captain Tama, Plaintiff made accusations against Goodman that were  
4 substantially the same as those made with regard to the Port of Charleston incident. Sweigert  
5 accuses Goodman of involvement in or otherwise having knowledge of an alleged terrorist  
6 cyber-attack in the Port of New York. This is a false statement with no basis in fact. It is  
7 Defendant's belief that Sweigert did this with malicious and fraudulent intent in the hope it  
8 would get Goodman embroiled in a criminal investigation or arrested for crimes he did not  
9 commit.  
10

11 During a multiparty conference call via Google Hangouts which was broadcast on YouTube  
12 on or around December 2017 Sweigert openly announces his plan to engage in a letter writing  
13 campaign intended to weaponize the courts, law enforcement and some sort of military processes  
14 against Defendant. (**EXHIBIT E**). Although the statements in this video are hearsay, they should  
15 be excluded under FRE Rule 804 (b)(3)(A) and (B) as they contain statements against the  
16 declarants' interests and, corroborating circumstances have indicated the trustworthiness of the  
17 information they convey. Plaintiff has persistently sought new and different ways to bring any  
18 kind of financial or legal pressure he can to bear on Defendant.  
19

20 It is Defendant's belief that Sweigert is a serial cyber harasser and a vexatious litigant who is  
21 not actually seeking relief from claimed injuries, but rather bringing about SLAPP lawsuits to  
22 weaponize the civil legal system against his perceived enemies including Defendant Goodman.  
23 It is also Defendant's belief that Plaintiff has organized a large group of co-conspirators to  
24 participate in his online smear campaign against Defendant. Some of the alleged co-conspirators  
25

26 re-report Plaintiff's false claims, sign petitions in support of these claims, create positive reviews  
27  
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1 for Plaintiff's book on Amazon.com and carry out a variety of actions intended to further  
2 Plaintiff's overall purpose of destroying Defendant's business and worldwide reputation.

### 3 **III. DISCUSSION**

#### 4 **A. STANDARD OF REVIEW**

5 In reviewing a motion to dismiss pursuant to Rule 12(b)(6), a court must usually  
6 accept the factual allegations set forth in the complaint as true and draw all reasonable inferences  
7 in favor of the Plaintiff. See, e.g., *Holmes v. Grubman*, 568 F.3d 329, 335 (2d Cir. 2009). Where  
8 a Plaintiff alleges a claim based on a written instrument or other document, as is the case here, a  
9 court may consider the document in ruling on a Rule 12(b)(6) motion even if it was not attached  
10 to the complaint. See *Roth v. Jennings*, 489 F.3d 499, 509 (2d Cir. 2007). A court may also  
11 consider any other document if the complaint "relies heavily upon its terms and effect," thereby  
12 rendering the document as integral to the complaint. *DiFolco v. MSNBC Cable L.L.C.*, 622 F.3d  
13 104, 111 (2d Cir. 2010); see also *Cortec Indus., Inc. v. Sum Holding L.P.*, 949 F.2d 42, 47 (2d  
14 Cir. 1991) ("when a Plaintiff chooses not to attach to the complaint or incorporate by reference a  
15 [document] which is integral to the complaint, the Defendant may produce [it] when attacking  
16 the complaint for its failure to state a claim, because Plaintiff should not be allowed to escape the  
17 consequences of its own failure"). If a document relied on in the complaint contradicts  
18 allegations in the complaint, then the document, and not the allegations, controls, and the court  
19 need not accept the allegations in the complaint as true. *Cohen v. Hertz Corp.*, No. 13 Civ. 1205  
20 (LTS)(AJP), 2013 WL 9450421, at \*3 (S.D.N.Y. Nov. 26, 2013) (citing *Barnum v. Millbrook*  
21 *Care Ltd. P'ship*, 850 F. Supp. 1227, 1232–33 (S.D.N.Y. 1994)). Also, courts considering Rule  
22 12(b)(6) motions routinely take judicial notice of documents filed in other courts, not for the  
23 truth of the matters asserted in the other litigation, but rather to establish the fact of such  
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litigation and related filings. *Global Network Commc'ns, Inc. v. City of New York*, 458 F.3d 150, 157 (2d Cir. 2006) (citing *Kramer v. Time Warner, Inc.*, 937 F.2d 767, 774 (2d Cir. 1991)). To survive a Rule 12(b)(6) motion, the Plaintiff must plead sufficient facts "to state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible "when the Plaintiff pleads factual content that allows the court to draw the reasonable inference that the Defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 556). More specifically, the Plaintiff must allege sufficient facts to show "more than a sheer possibility that a Defendant acted unlawfully." *Id.* Further, if the Plaintiff has not "nudged [his or her] claims across the line from conceivable to plausible, [the] complaint must be dismissed." *Twombly*, 550 U.S. at 570.

#### **B. NEW YORK GENERAL BUSINESS LAW §§349-350**

New York General Business Law§ 349, a consumer protection measure, provides, in relevant part: "Deceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in [New York] are hereby declared unlawful." N.Y. Gen. Bus. Law§ 349(a). The law affords a private right of action to "any person who has been injured" by a violation of the section. *Id.* § 349(h); see generally *Cruzv. FXDirectDealer, LLC*, 720 F.3d 115, 122 (2d Cir. 2013). The reach of the statute is broad, in order to "provide [the] needed authority to cope with the numerous, ever-changing types of false and deceptive business practices which plague consumers in [New York] State." *Lonnerv. Simon Prop. Grp., Inc.*, 57 A.D.3d 100, 109-10 (2d Dep't 2008) (citing *Karlinv. IVFAm.*, 93 N.Y.2d 282, 290 (N.Y. 1999)). In that regard, "[t]he purpose of Section 349 is to empower customers, especially the disadvantaged, and to even the playing field of their disputes with better funded and superiorly situated fraudulent

1 businesses." *Mendez v. Bank of Am. Home Loans Servicing, LP*, 840 F. Supp. 2d 639, 657  
2 (E.D.N.Y. 2012).

3 To establish a violation of § 349, a Plaintiff must prove "[i] that the challenged act or  
4 practice was consumer-oriented; [ii] that it was misleading in a material way; and [iii] that the  
5 Plaintiff suffered injury as a result of the deceptive act." *Stutman v. Chem. Bank*, 95 N.Y.2d 24,  
6 29 (N.Y. 2000). To determine whether conduct may be deceptive under § 349, courts apply "an  
7 objective standard," *Lonner*, 57 A.D.3d at 110 (internal quotation marks omitted), which asks  
8 whether the "representation or omission [is] likely to mislead a reasonable consumer acting  
9 reasonably under the circumstances," *Gaidon v. Guardian Life Ins. Co. of Am.*, 94 N.Y.2d 330,  
10 344 (N.Y. 1999). See also *Cohen v. JP Morgan Chase & Co.*, 498 F.3d 111, 126 (2d Cir. 2007)  
11 ("The New York Court of Appeals has adopted an objective definition of 'misleading,' under  
12 which the alleged act must be 'likely to mislead a reasonable consumer acting reasonably under  
13 the circumstances.'" (quoting *Oswego v. Laborers' Local 214 Pension Fund v. Marine Midland*  
14 *Bank*, 85 N.Y.2d 20, 26 (N.Y. 1995)).

15 Conduct "need not reach the level of common-law fraud to be actionable." *Stutman*, 95  
16 N.Y.2d at 29 (internal citation and quotation marks omitted). Indeed, precisely "because a private  
17 action under § 349 does not require proof of the same essential elements (such as reliance) as  
18 common-law fraud, an action under [this section] is not subject to the pleading-with-particularity  
19 requirements of Rule 9(b) [of the Federal Rules of Civil Procedure], but need only meet the bare-  
20 bones notice-pleading requirements of Rule 8(a)." *Pelman ex rel. Pelman v. McDonald's Corp.*,  
21 396 F.3d 508, 511 (2d Cir. 2005). But while Section 349 "does not require proof of justifiable  
22 reliance, a Plaintiff seeking compensatory damages must show that the Defendant engaged in a  
23  
24  
25  
26  
27

1 material deceptive act or practice that caused actual, although not necessarily pecuniary, harm."  
2 Oswego, 85 N.Y.2d at 26.

3 New York General Business Law § 349 section (h) states "The court may, in its  
4 discretion, increase the award of damages to an amount not to exceed three times the actual  
5 damages up to one thousand dollars, if the court finds the Defendant willfully or knowingly  
6 violated this section. The court may award reasonable attorney's fees to a prevailing Plaintiff."  
7 Therefore, even if Plaintiff were able to properly demonstrate actual damages, the statute does  
8 not provide a remedy in excess of \$1000 (one thousand dollars) falling well short of the  
9 requirement for subject matter jurisdiction in Federal Court.  
10

11 To establish a claim under New York General Business Law § 350, Plaintiff relies on the  
12 same fact pattern alleged in the GBL § 349 claim. Plaintiff's claims under New York General  
13 Business Law § 350 fails for the same reasons.  
14

15 **C. PLAINTIFF'S CLAIM OF VIOLATIONS OF NEW YORK GENERAL**  
16 **BUSINESS LAW §§349-350 SHOULD BE DISMISSED FOR FAILURE TO**  
17 **STATE A CLAIM**  
18

19 The Court can and will consider extrinsic evidence in its standing analysis. Defendant  
20 takes issue with the first requirement, arguing that Plaintiff has failed to allege facts  
21 demonstrating an injury because the Second Amended Complaint (hereinafter "2AC") does not  
22 allege that Plaintiff ever purchased anything from Defendant, so no pecuniary injury exists or is  
23 alleged. Moreover, the "mini FTC act" cited by Plaintiff is intended to "provide [the] needed  
24 authority to cope with the numerous, ever-changing types of false and deceptive business  
25 practices which plague consumers in [New York] State." Plaintiff is not a consumer in New  
26 York State and not a customer of Defendant, so Plaintiff does not have standing under this  
27  
28  
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1 statute. This was articulated by Magistrate Judge Aaron during the pre-trial conference on  
2 October 24, along with the request that Plaintiff remove this claim from the 2AC. Plaintiff has  
3 ignored the advice of the court, restating his claim in substantially the same form. Moreover, the  
4 alleged deception has nothing to do with the service offered by Defendant. The allegedly false  
5 claims were not made by Defendant. Defendant offers a for-pay video subscription service that  
6 gives viewers access to news, information and entertainment video programming in exchange for  
7 a monthly fee. No services beyond that are specifically offered in exchange for the monthly  
8 subscription fee. Defendant's service offers a new form of investigative journalism that is  
9 enabled by social media and utilizes "crowd sourced" information provided by the audience at  
10 large. This novel approach encourages viewers to participate and interact with the broadcasters  
11 in an ongoing way in pursuit of the best available public information. Defendant created this  
12 service in part because it is impossible for ANY news service to offer 100% accuracy. Viewers  
13 are encouraged to participate by sharing their own first-hand information and evidence to fact  
14 check any report and improve the overall accuracy of the service. Dubious information is  
15 challenged until the strongest evidence or evaluation remains. If a broadcast presents  
16 information that is found to be incorrect or inaccurate, and a viewer alerts Defendant through the  
17 various means of contact available, and the service makes best efforts to retract or correct any  
18 error. Plaintiff alleges statements made by non-party David Charles Hawkins (hereinafter  
19 "Hawkins") are false and therefore seeks relief for damages Plaintiff attributes to Defendant.  
20 Hawkins is a graduate of Cambridge University (**EXHIBIT F**) and according to Hawkins' own  
21 statements as cited by Plaintiff, aspires to be a forensic economist by seeking out and reporting  
22 on various economic, scientific and other factors related to unsolved crimes and their financial  
23 and technological origins. Defendant made no claim as to the truth or falsity of Hawkins'  
24  
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1 statements and no forensic economic services are promised in exchange for the subscription fees  
2 collected from subscribers wishing to view the video library offered by Defendant.

3 Defendant's Crowdsourcing the Truth program offered on the subscription video service  
4 and in various incarnations throughout social media is collectively considered an "interactive  
5 computer service". Subscribers, viewers and other participants interact with Defendant and the  
6 information offered via the internet with a computer or similar device. Therefore, Defendant as  
7 the operator or even merely a user of this service, is protected by the Communications Decency  
8 Act 47 USC § 230 (c)(1) "No provider or user of an interactive computer service shall be treated  
9 as the publisher or speaker of any information provided by another information content  
10 provider."  
11

12 Plaintiff fails to adequately state a claim of actual damages to his business, trade and  
13 profession, but merely offers the conclusory statement that he has been damaged. Further, even  
14 if Plaintiff did succeed in stating a claim, which he has not, the cure afforded by NYBL § 349 for  
15 alleged damages does not rise to a sufficient level to grant this court subject matter jurisdiction to  
16 hear this claim. Plaintiff has failed to identify an amount in controversy, and therefore there the  
17 Court has no subject matter jurisdiction in this matter. The Court should dismiss the New York  
18 General Business Law § 349 Claim because it may not be properly considered. Limitations  
19 placed on a court in reviewing a motion to dismiss for failure to state a claim are not applicable  
20 where, as here, the challenge is to standing.  
21

22 When reviewing a motion under Rule 12(b)(6), a court's review is "limited to facts stated  
23 on the face of the complaint and in documents appended to the complaint or incorporated in the  
24 complaint by reference, as well to matters of which judicial notice may be taken. Automated  
25 Salvage Transp., Inc. v. Wheelabrator Env't Sys., Inc., 155 F.3d 59, 67 (2d Cir. 1998). Although  
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1 Defendants' motion is brought under Rule 12(b)(6), his argument that Plaintiff lacks standing to  
2 bring a claim based on NYBL §349, analytically, a motion under Rule 12(b)(1). See *Alliance for*  
3 *Env'tl. Renewal, Inc. v. Pyramid Crossgates Co.*, 436 F.3d 82, 89 n.6 (2d Cir. 2006) ("Although  
4 we have noted that standing challenges have sometimes been brought under Rule 12(b)(6), as  
5 well as Rule 12(b)(1), the proper procedural route is a motion under Rule 12(b)(1) (internal  
6 citations omitted)). Consequently, the Court will assess it as such.

7  
8 Where a Plaintiff lacks standing, a court is divested of subject matter jurisdiction. *Cent.*  
9 *States Se. & Sw. Areas Health and Welfare Fund v. Merck-Medco Managed Care, L.L.C.*, 433  
10 F.3d 181, 198 (2d Cir. 2005) ("If Plaintiffs lack Article III standing, a court has no subject matter  
11 jurisdiction to hear their claim."); accord *Altman v. Bedford Cent. Sch. Dist.*, 245 F.3d 49, 69  
12 (2d Cir. 2001) ("The Constitution limits the jurisdiction of Article III courts to matters that  
13 present actual cases or controversies. This limitation means that when a Plaintiff brings suit in  
14 federal court, he must have standing to pursue the asserted claims." (internal citation omitted)),  
15 *cert. denied*, 534 U.S. 827 (2001). "[T]he Plaintiff 'bears the burden of showing by a  
16 preponderance of the evidence that subject matter jurisdiction exists.'" *Arar v. Ashcroft*, 532 F.3d  
17 157, 168 (2d Cir. 2008) (citations omitted) (quoting *APWU v. Potter*, 343 F.3d 619, 623 (2d Cir.  
18 2003)). Where subject matter jurisdiction is contested, as it is here, a district court is permitted to  
19 consider evidence outside the pleadings, such as affidavits and exhibits. See *Zappia Middle East*  
20 *Constr. Co. v. Emirate of Abu Dhabi*, 215 F.3d 247, 253 (2d Cir. 2000) ("On a Rule 12(b)(1)  
21 motion challenging the district court's subject matter jurisdiction, the court may resolve the  
22 disputed jurisdictional fact issues by referring to evidence outside of the pleadings, such as  
23 affidavits, and if necessary, hold an evidentiary hearing."); accord *Tandon v. Captain's Cove*  
24 *Marina of Bridgeport, Inc.*, 752 F.3d \*26 239 (2d Cir. 2014) ("[W]here jurisdictional facts are  
25  
26  
27  
28  
MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS PURSUANT TO FED. R. CIV. P.  
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1 placed in dispute, the court has the power and obligation to decide issues of fact by reference to  
2 evidence outside the pleadings, such as affidavits." ). Accordingly, consideration of the extrinsic  
3 evidence – Hawkins legitimate bona fides from Cambridge University, is entirely proper.

4  
5 Plaintiff's claim is not facially plausible. Plaintiff's claim relies on the assertion that  
6 Defendant knowingly hosts guest and co-hosts with alleged "fake bona fides" and cites  
7 independent contributor and co-host, non-party Hawkins' statements as actions of Defendant.

#### 8 **D. DEFAMATION AND DEFAMATION PER SE**

9  
10 Plaintiff has stated a claim upon which relief cannot be granted because Plaintiff has  
11 combined two separate causes of action, each with different elements, within a single claim.  
12 This is not cognizable in fact or in law. Plaintiff's claim also fails because Plaintiff  
13 inappropriately assigns statements made by non-parties to Defendant.

#### 14 **E. VIOLATIONS OF CIVIL RIGHTS LAW § 50 AND 51**

15  
16 Plaintiff fails to state a cause of action for which relief may be granted. The right of  
17 privacy is not without limits. Plaintiff falsely claims to be a private citizen, and therefore  
18 considers commentary and criticism of his actions, or use of his image in a broadcast pertaining  
19 to matters of public interest to be a violation of his right to privacy.

20  
21 Historically, New York courts rely heavily on the "vortex" notion of a limited-purpose  
22 public figure. See *James v. Gannett Co., Inc.*, 40 N.Y.2d 415 (N.Y. 1976) ("The essential  
23 element underlying the category of public figures is that the publicized person has taken an  
24 affirmative step to attract public attention."). A person becomes a limited-purpose public figure  
25 only if he voluntarily "draw[s] attention to himself" or uses his position in the controversy "as a  
26 fulcrum to create public discussion." *Wolston v. Reader's Digest Association*, 443 U.S. 157, 168  
27 (1979). He must, therefore, "thrust himself into the vortex of [the] public issue [and] engage the  
28 MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS PURSUANT TO FED. R. CIV. P.

1 public's attention in an attempt to influence its outcome." See *Gertz v. Robert Welch, Inc.*, 418  
2 U.S. 323, 352 (1974). Plaintiff has chosen to thrust himself into the public controversy  
3 surrounding Goodman and his YouTube broadcasts, therefore, Plaintiff's activities in this matter  
4 are of public interest and are newsworthy. Plaintiff has also chosen to publicly discuss guests or  
5 co-hosts on Goodman's broadcasts including Hawkins.  
6

7 Plaintiff has attempted to influence the outcome of various public controversies  
8 pertaining to Defendant, not only with innumerable video broadcasts containing false and  
9 misleading statements, but also by authoring and self-publishing a book under his real name  
10 "Dave Sweigert". The book remains available for sale on Amazon.com at the time of this  
11 writing. ([https://www.amazon.com/Report-Charleston-Dirty-Social-](https://www.amazon.com/Report-Charleston-Dirty-Social-Liability/dp/1717056792/ref=sr_1_fkmr0_2?keywords=david+sweigert&qid=1573963929&sr=8-2-fkmr0)  
12 [Liability/dp/1717056792/ref=sr\\_1\\_fkmr0\\_2?keywords=david+sweigert&qid=1573963929&sr=8-](https://www.amazon.com/Report-Charleston-Dirty-Social-Liability/dp/1717056792/ref=sr_1_fkmr0_2?keywords=david+sweigert&qid=1573963929&sr=8-2-fkmr0)  
13 [2-fkmr0](https://www.amazon.com/Report-Charleston-Dirty-Social-Liability/dp/1717056792/ref=sr_1_fkmr0_2?keywords=david+sweigert&qid=1573963929&sr=8-2-fkmr0)). The purpose of the book by the author's own admission is to spur lawmakers to act  
14 against Goodman. The following statements are printed on the back cover; "The next generation  
15 of cyber warfare attack tools will be based upon Artificial Intelligence. A.I. tools can execute  
16 complex social media attacks to create panic. Law enforcement is falling further behind the tip of  
17 the spear in comprehending the cyber warfare nature of these attack techniques.  
18

19  
20 This booklet describes how social media hoax news sites can attack America's critical  
21 infrastructure. Seemingly, these deception merchants operate with no threat of legal action. This  
22 fertile environment has allowed the consequence-free attacks on maritime ports, generation of  
23 hysteria of supposed assassination plots, etc.  
24

25 The alleged deception merchant described herein is Jason David Goodman of New York  
26 City, operator of the "business" CrowdSourceTheTruth (a social media conspiracy channel).  
27

1 WARNING: No individuals described herein should be presumed to be guilty of any  
2 particular violation of law, policy or regulation. All parties should be presumed innocent until a  
3 competent court deems otherwise.”  
4

5 Plaintiff attempts to indemnify himself with a loosely written disclaimer while  
6 simultaneously falsely accusing Defendant of running a business that is a conspiracy. Based in  
7 part on this paradoxical statement, it is Defendant’s belief, the intent of the book and its author is  
8 to spread false and materially misleading information about Defendant. The inflammatory  
9 nature of the accusations inherently create public hatred toward Defendant, destroy Defendant’s  
10 business and place Defendant in legal jeopardy. Plaintiff has also shared these ideas with  
11 members of U.S. Congress including New York Senator Chuck Schumer and others, with the  
12 intent of spurring an investigation into activates Plaintiff falsely attributes to Defendant.  
13 Plaintiff’s activity rises to the standard of drawing attention to himself and using his position in  
14 the controversy as a fulcrum to create public discussion, eliminating his claim that he remains a  
15 private citizen. This opens him up to commentary and criticism on Goodman’s video broadcasts  
16 and elsewhere and invalidates his privacy claim.  
17

18  
19 New York CVR § 50 does not generally apply to reports of newsworthy events or matters  
20 of public interest, or to works of artistic expression, such as art, movies or parody. Plaintiff has  
21 thrust himself into the vortex of public controversy surrounding Defendant and to the extent that  
22 information related to Defendant is newsworthy, equally so is Plaintiff’s activity including  
23 broadcasts and writings related to it.  
24

25 While the bulk of Goodman’s broadcasts concentrate on news and commentary, some  
26 contain elements of entertainment, comedy and parody including “political cartoons” in the form  
27 of digitally generated parody photo collages. These photo collages are a popular element of  
28  
MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS PURSUANT TO FED. R. CIV. P.  
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1 Goodman's broadcasts and something Goodman is known for among his growing audience.  
2 Parody of public figures is protected as criticism and considered fair use of copyrighted material.  
3 Under the doctrine of "fair use," the law allows the use of portions of copyrighted works without  
4 permission from the owner. Fair use is a defense to copyright infringement and considered an  
5 authorized use of copyrighted material. In each instance described by Plaintiff, only small  
6 portions of the original works are used, and they comprise even smaller portions of the  
7 transformative works they are included in. Each instance of a sampling of copyrighted material  
8 is used in a transformative way that could not be easily mistaken for the original work.  
9 Defendant's use of alleged copyrighted material is protected by the Fair Use doctrine, and the  
10 new resultant works are the intellectual property of Defendant. Defendant would like the Court  
11 to take notice that even while waiting for this claim to be adjudicated Plaintiff has taken matters  
12 into his own hands. Having decided extrajudicially that the images in question are an  
13 infringement of his Copyright and despite the ongoing dispute, Plaintiff has sent a demand letter  
14 to [www.redbubble.com](http://www.redbubble.com) a business associate of Defendant, forcing removal of the work through  
15 intimidation rather than providing a judgement from this honorable court. **(EXHIBIT G)**

16 Plaintiff currently operates a blog at <https://checkmatek2.net/> where he makes almost  
17 daily and sometimes more frequent posts containing false and defamatory statements and  
18 allegations against Defendant. These posts generally contain exaggerated misrepresentations and  
19 often outright falsehoods. Plaintiff has repeatedly relied on uncorroborated hearsay statements  
20 from third parties to create blog posts intended to disparage Defendant which then get re-  
21 reported by others including Outtrim. It is Defendant's belief that this is done to create a false  
22 sense of consensus in the public and to lend an appearance of credibility to false and damaging  
23 statements. Plaintiff also operates a YouTube channel and regularly uses his videos to promote  
24 MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS PURSUANT TO FED. R. CIV. P.

1 his blog and others, including <https://burners.me/> operated by Outtrim. Outtrim's blog  
2 frequently relies on the identical hearsay testimony Plaintiff uses, including statements from non-  
3 party to this suit, and co-Defendant in Steele v Goodman, Susan Lutzke aka Susan Holmes, aka  
4 Queen Tut (herein after "Lutzke"). Lutzke failed to respond to service in Steele v Goodman and  
5 an order of default judgement has been entered against her in that matter.  
6

7 As of November 1, 2019, Plaintiff's YouTube channel had over 18,000 regular  
8 subscribers, however recently Plaintiff removed public access to this channel. **(EXHIBIT H)** It  
9 is Defendant's belief this was done to conceal evidence that would be used against Plaintiff in  
10 this legal matter.  
11

12 Plaintiff has also appeared on news broadcasts including Alex Jones' InfoWars and is a  
13 regular contributor to various YouTube broadcasts. Plaintiff is also active on the social media  
14 platform Twitter where he frequently engages with other users including Outtrim to share and  
15 spread false and defamatory messages about Defendant.  
16

17  
18 **F. NEGLIGENT AND INTENTIONAL INFLICTION OF EMOTIONAL**  
19 **DISTRESS**

20 Plaintiff fails to state a cause of action upon which relief can be granted. By combining  
21 NIED and IIED, Plaintiff has stated a claim that is not cognizable in fact or in law. These are  
22 two separate causes of action with different elements and cannot be combined. Plaintiff's claim  
23 should be dismissed.  
24  
25  
26  
27

**CONCLUSION**

This is a case based on diversity of jurisdiction as per 28 USC § 1332 (a)(1) “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between (1)citizens of different States;”

Plaintiff’s 2AC has failed to state an amount in controversy pursuant to the jurisdictional requirements of the statute. Plaintiff has also failed to state a Federal cause of action and Plaintiff has failed to allege a federal question. Plaintiff is bringing his complaint on hearsay evidence and it must be dismissed. The 2AC contains inadmissible testimony from third parties who are not party to this action. For the reasons stated above, the Court should dismiss Sweigert’s complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

I hereby attest that the pleadings herein are accurate and true under penalties of perjury. Further, I hereby attest that the attached exhibits are accurate and true copies of source documents as described.

Signed this 18<sup>th</sup> day of November 2019

Respectfully submitted,



Jason Goodman, Defendant, Pro Se  
252 7<sup>th</sup> Avenue Apt 6s  
New York, NY 10001  
(323) 744-7594  
[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)

**(EXHIBIT A)**



From: Robert Steele [REDACTED]  
Subject: Cancelling meeting tomorrow, available on skype, you are about to be arrested  
Date: June 15, 2017 at 11:40 AM  
To: Jason Goodman [REDACTED] rge Webb [REDACTED]

Jason,

I am cancelling our meeting tomorrow. You are about to be arrested by NYPD at request of USCG for filing a false report. George, if he is not already being detailed, will be detained and probably released, but the burden here is on you, Jason, as the source.

I will be available for a skype interview at any time, but the possibility of me putting myself in a room you control is now zero.

George,

Wayne Madsen is willing to meet you and give you a hearing I have offered to host lunch. He tells me no one has produced compelling proof on the Awan situation, the burden is on you.

My impression of you, George, has not changed. It remains positive. I think you are being played by some very bad boys and I would be glad to have that discussion anytime you wish. In my view, our shared priority should be to separate you from Jason in terms of reputation and protect your following, and to continue to help each other advance over the next 90 - 120 days.

I will be in the car from 1200-1700 if you are able to see this email and can call.

Robert

--

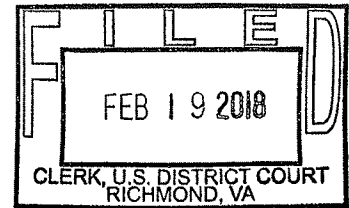
#UNRIG: <http://phibetaiota.net/unrig/>

Personal Page: <http://robertdavidsteele.com>

Group Blog: <http://phibetaiota.net>

Donate to Non-Profit: <http://paypal.me/EarthIntel>

**(EXHIBIT B)**



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND VIRGINIA**

ROBERT DAVID STEELE,

Plaintiff,

-against-

JASON GOODMAN,

Defendant.

**17-CV-00601-MHL**

**MOTION TO INTERVENE BY  
INTERVENOR-APPLICANT  
SWEIGERT**

**MOTION TO INTERVENE BY INTERVENOR-APPLICANT SWEIGERT**

**PROCEDURAL STATEMENT**

1. **NOTICE SHOULD BE TAKEN BY THE CLERK OF THE COURT AND ALL PARTIES** that the interested party known as D. GEORGE SWEIGERT is seeking the LEAVE OF THE COURT TO INTERVENE into this instant lawsuit pursuant to Fed. R. Civ. Proc. Rule 24(a) and Virginia Supreme Court Rule 3:14 (Rule 3:14 provides that “[a] new party may by leave of court file a pleading to intervene as a plaintiff or defendant to assert any claim or defense germane to the subject matter of the proceeding.”).
2. The interested party (intervenor-applicant) D. George Sweigert purposes to intervene as a **PLAINTIFF**. As sworn below, Sweigert has an interest identical to the Plaintiff (Robert David Steele) in these proceedings and maintains an interest in their outcome.
3. As no discovery has taken place and these proceedings are in the pleading stages, this **MOTION** appears timely and does not present a prejudicial burden to any party.

**(EXHIBIT C)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ROBERT DAVID STEELE, *et al.*,

Plaintiffs,

v.

Civil Action No. 3:17cv601

JASON GOODMAN, *et al.*,

Defendants.

ORDER

For the reasons stated in the accompanying Memorandum Opinion, the Court DENIES Sweigert's Motion to Intervene, (ECF No. 93), and will not consider future filings by Sweigert. The Court DENIES AS MOOT Sweigert's other motions. (ECF Nos. 102, 108, 124.) The Court STRIKES Sweigert's miscellaneous filings from the record. (ECF Nos. 51, 54, 55, 56, 58, 59, 60, 75, 77, 84, 103, 120, 137, 138, 140, 142, 145, 147, 149, 150.) The Court will address all other pending motions by separate Memorandum Opinion and Order. (ECF Nos. 109, 121, 126, 127.)

Let the Clerk send a copy of this Memorandum Opinion and Order to all counsel of record and to Sweigert, Goodman, and Lutzke at their respective addresses of record.

It is SO ORDERED.

Date: 7/25/19  
Richmond, Virginia

  
\_\_\_\_\_  
M. Hannah Lauck  
United States District Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**ROBERT DAVID STEELE, *et al.*,**

**Plaintiffs,**

**v.**

**Civil Action No. 3:17cv601**

**JASON GOODMAN, *et al.*,**

**Defendants.**

**MEMORANDUM OPINION**

This matter comes before the Court on non-party David George Sweigert's Second Amended Motion to Intervene (the "Motion to Intervene").<sup>1</sup> (ECF No. 93.)

The matter is ripe for disposition. The Court dispenses with oral argument because the materials before it adequately present the facts and legal contentions, and argument would not

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<sup>1</sup> On February 19, 2019, Sweigert filed a Motion to Intervene. (ECF No. 73.) On March 18, 2019, Sweigert filed a "Notice of Intent to File an Amended Motion." (ECF No. 81.) On March 29, 2019, Sweigert filed an Amended Motion to Intervene. (ECF No. 88.) On April 11, 2019, Sweigert filed a Second Amended Motion to Intervene, which the Court considers operative. (ECF No. 93.)

aid the decisional process. The Court exercises jurisdiction pursuant to 28 U.S.C. § 1332.<sup>2</sup> For the reasons that follow, the Court will deny Sweigert's Second Amended Motion to Intervene.<sup>3</sup>

## **I. Procedural and Factual Background**<sup>4</sup>

### **A. Relevant Procedural Background**

On September 1, 2017, Plaintiffs filed their original Complaint (the "Original Complaint") against Jason Goodman, Patricia A. Negron, and "Queen Tut, a woman believed to be known as Carla A. Howell." (Original Compl. 1, ECF No. 1.) Goodman, proceeding *pro se*, filed an Answer (the "Original Answer"), (ECF No. 14), and Negron, by counsel, filed a Motion

---

<sup>2</sup> "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States." 28 U.S.C. § 1332(a)(1). Plaintiff Steele is a Virginia citizen and Plaintiff Earth Intelligence Network ("EIN" and, collectively with Steele, "Plaintiffs") is a Virginia not-for-profit 501(c)(3) corporation. (Am. Compl. 6, 9, ECF No. 39.) Goodman is a New York citizen; Negron is a Massachusetts citizen; and Lutzke is a Colorado citizen. (*Id.* 10, 12, 16.) Sweigert's address of record is a P.O. box in Arizona. The Court cannot determine on the record before it whether Sweigert's intervention would destroy diversity between the parties. Because the parties do not raise the issue, and because the Court will deny the Motion to Intervene on other grounds, the Court declines to consider the issue further.

<sup>3</sup> Sweigert has also filed two Motions Requesting Leave of Court to File Motion for Injunctive Relief, (ECF Nos. 102, 124), to which no party has responded, and a Proposed Request for Judicial Notice, (ECF No. 108), to which no party has responded. Because it will deny the Motion to Intervene, the Court will deny these motions as moot.

The following motions also pend: Goodman's Motion for a Protective Order and Motion to Stay Discovery, (ECF No. 109), to which Plaintiffs have responded, (ECF No. 115); Plaintiffs' Motion for Sanctions against Goodman, (ECF No. 121), to which Goodman responded twice, (ECF Nos. 134, 139); Plaintiffs' Motion to Compel Discovery from Goodman, (ECF No. 126), to which no party has responded; and, Plaintiffs' Motion for a Protective Order, (ECF No. 127), which Negron did not oppose and to which Goodman and Lutzke did not respond. The Court will address these motions by separate Memorandum Opinion and Order.

<sup>4</sup> The Court assumes familiarity with its March 31, 2019 Memorandum Opinion and Order. (ECF Nos. 85, 86.) It offers only a summary here.

to Dismiss (the “Original Motion to Dismiss”), (ECF No. 21). Plaintiffs opposed the Original Motion to Dismiss, (ECF No. 24), and Negron replied, (ECF No. 29).

On January 23, 2018, Plaintiffs requested entry of default as to “Queen Tut a/k/a Susan A. Lutzke.” (ECF No. 30.) Because the Original Complaint did not name “Susan A. Lutzke” as a defendant, the Court denied Plaintiffs’ request for entry of default. (See Mar. 9, 2018 Order, ECF No. 35.) On March 25, 2018, Plaintiffs moved to amend their Original Complaint, (ECF No. 36), and on April 11, 2018, the Court granted the motion, (ECF No. 38).

The Amended Complaint names three defendants: Jason Goodman, Patricia A. Negron, and “Susan A. Lutzke a/k/a/ ‘Queen Tut’” (collectively, “Defendants”). (Am. Compl. 1, ECF No. 39.) Plaintiffs stated eight counts against each defendant as follows:

- Count I:** Defamation *per se* (the defamation claim);
- Count II:** Insulting words, in violation of Virginia Code § 8.01-45<sup>5</sup> (the insulting words claim);
- Count III:** Business conspiracy, in violation of Virginia Code § 18.2-499<sup>6</sup> and Virginia Code § 18.2-500<sup>7</sup> (the statutory conspiracy claim);

---

<sup>5</sup> “All words shall be actionable which from their usual construction and common acceptance are construed as insults and tend to violence and breach of the peace.” VA. CODE ANN. § 8.01-45.

<sup>6</sup> This criminal and civil business conspiracy section provides, in relevant part:

Any two or more persons who combine, associate, agree, mutually undertake or concert together for the purpose of . . . willfully and maliciously injuring another in [her or] his reputation, trade, business or profession by any means whatever . . . shall be jointly and severally guilty of a Class 1 misdemeanor. Such punishment shall be in addition to any civil relief recoverable under § 18.2-500.

VA. CODE ANN. § 18.2-499(A).

<sup>7</sup> This damages provision allows a plaintiff to recover treble damages, attorney fees, and costs from defendants who violate Virginia Code § 18.2-499. VA. CODE ANN. § 18.2-500(A).



- Count IV:** Common law conspiracy;
- Count V:** Tortious interference;
- Count VI:** Intentional Infliction of Emotional Distress;
- Count VII:** Personal trespass by computer in violation of Virginia Code § 18.2-152.7<sup>8</sup> and computer harassment in violation of Virginia Code § 18.2-152.7:1<sup>9</sup> (the computer claim);
- Count VIII:** Unauthorized use of name and picture in violation of Virginia Code § 8.01-40<sup>10</sup> (the unauthorized use claim); and,
- Count IX:** Permanent injunction.

Plaintiffs seek \$6,000,000 in compensatory damages; \$18,000,000 as “[t]hree-fold [d]amages in accordance with § 18.2-500” of the Virginia Code; \$350,000 in punitive damages; prejudgment and postjudgment interest; and attorney’s fees and costs. (Am. Compl. 96.)

In response to the Amended Complaint, Goodman filed his Motion to Dismiss. (ECF No. 45.) Negron filed a Motion to Dismiss. (ECF No. 47.) Lutzke did not respond to the Amended

---

<sup>8</sup> “A person is guilty of the crime of personal trespass by computer when [she or] he uses a computer or computer network to cause physical injury to an individual.” VA. CODE ANN. § 18.2-152.7(A).

<sup>9</sup> This provision criminalizes using a computer to threaten illegal acts or make improper sexual communications to a person with the intent to coerce, intimidate, or harass that person. VA. CODE ANN. § 18.2-152.7:1.

<sup>10</sup> This unauthorized use section provides, in relevant part:

Any person whose name, portrait, or picture is used without having first obtained the written consent of such person . . . for advertising purposes or for the purposes of trade, such persons may maintain a suit in equity against the person, firm, or corporation so using such person’s name, portrait, or picture to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use.

VA. CODE ANN. § 8.01-40(A).

Complaint and has not made an appearance of any kind.<sup>11</sup> On March 31, 2019, the Court granted in part and denied in part Negron's Motion to Dismiss. (ECF No. 86.) The following claims survive against Negron: Count I (defamation); Count III (business conspiracy); Count IV (common law conspiracy); Count V (tortious interference); and, Count VI (intentional infliction of emotional distress).<sup>12</sup> (Mar. 31, 2019 Mem. Op. 38.) The Court also denied Goodman's Motion to Dismiss, meaning that all nine original claims survive against Goodman. (*Id.* 39.)

**B. Sweigert's Filings in This Case**

Between May 22, 2018 and June 13, 2018, George D. Sweigert, a non-party proceeding *pro se*, filed seven declarations.<sup>13</sup> (ECF Nos. 51, 54, 55, 56, 58, 59, 60.) The Amended Complaint makes no allegations about Sweigert, referencing him only once in a footnote that identifies him as one of several other people in a photo of Steele that allegedly defames Steele.

---

<sup>11</sup> Plaintiffs returned the Lutzke summons as executed. (ECF No. 62.) Plaintiffs requested entry of default as to Lutzke. (ECF No. 65.) The Clerk entered default as to Lutzke. (ECF No. 66.)

<sup>12</sup> The Court dismissed the following counts as to Negron: Count II (the insulting words claim); Count VII (the computer claim); Count VIII (the unauthorized use claim); and, Count IX (permanent injunction).

<sup>13</sup> Various non-parties filed declarations and other documents in this case. (ECF Nos. 79, 80, 82, 83.) The Court struck these filings and stated it would not consider future filings by these parties. (*See* Mar. 31, 2019 Mem. Op.) Accordingly, the Court will not consider Kevin Marsden's submission to the Court, which the Clerk properly did not file. (ECF No. 91.)

As with the previous non-parties' filings, the Court will strike Sweigert's declarations from the record, and will not consider future filings from Sweigert. *See Kimberlin v. Nat'l Bloggers Club*, 2014 WL 12680738, at \*1, No. PWG-13-3059 (D. Md. Feb. 21, 2014) (striking a filing when the party has not obtained court authority to do so); *see also, e.g., Dietz v. Bouldin*, 136 S. Ct. 1885, 1891 (2016) (concluding that the Supreme Court of the United States "has long recognized that a district court possesses inherent powers that are 'governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.'" (quoting *Link v. Wabash R.R.*, 370 U.S. 626, 630–31 (1962))).

(Am. Compl. 65 n.14.) Sweigert also filed two Notices of Change of Address, (ECF No. 63, 67), and a Notice of Related Litigation, (ECF No. 68).<sup>14</sup>

On February 19, 2019, Sweigert filed a “Notice of Motion to Intervene,” (ECF No. 72), and his first Motion to Intervene, (ECF No. 73). Sweigert subsequently filed copies of several letters with the Clerk’s Office.<sup>15</sup> (ECF Nos. 75, 77.) On March 18, 2019, Sweigert filed a “Notice of Intent to File an Amended Motion.” (ECF No. 81.) On March 28, 2019, Sweigert filed a document titled “Preliminary Notification to the Government of Canada.”<sup>16</sup> (ECF No. 84.) On March 29, 2019, Sweigert filed an Amended Motion to Intervene. (ECF No. 88.) On April 11, 2019, Sweigert filed the Motion to Intervene now before the Court.<sup>17</sup> (ECF Nos.

---

<sup>14</sup> This two-page document states that “a complaint has been filed with the U.S. Federal Trade Commission concerning activities of the defendant. A true and accurate copy is attached.” (Notice of Related Litig. 1, ECF No. 68.) The filing lacks any attachments.

<sup>15</sup> One letter claims that Goodman listed false information on one of the 83.1 “Ghostwriting” Certifications submitted to this Court. (ECF No. 75.) The other letter purports to describe the “Misuse of NSF Acquired Technologies to Facilitate the High-Speed Transfer of Snuff Films via the UIC Electronic Visualization Laboratory (EVL).” (ECF No. 77.) The letters have no bearing on the current analysis. The Court will strike these filings. *See Kimberlin*, 2014 WL 12680738 at \*1; *Dietz*, 136 S. Ct. at 1891.

<sup>16</sup> Sweigert fails to identify the relevance of this document to this litigation. The Court will strike these filings. *See Kimberlin*, 2014 WL 12680738 at \*1; *Dietz*, 136 S. Ct. at 1891.

<sup>17</sup> The multiple filings created the risk of confusion and potentially undue delays. The Court issued various orders addressing them. (ECF Nos. 86, 90, 97.) The Court’s April 18, 2019 Order established the Motion to Intervene, filed April 11, 2019, as controlling. (ECF No. 97.) Plaintiffs, Goodman, and Negron responded in opposition to this April 11, 2019 version. (ECF Nos. 107, 106, 104.)

More than two weeks after filing the Motion to Intervene and accompanying memorandum in support, Sweigert filed a second memorandum in support of the Motion to Intervene without leave of this Court. (ECF No. 103.) The Court considers only the memorandum filed contemporaneously with the Motion. (ECF No. 94.) *See E.D. Va. Loc. Civ. R. 7(F)(1)* (“No further briefs or written communications may be filed without first obtaining leave of Court.”). The Court will strike the second memorandum. (ECF No. 103.) Even were the Court to consider the second memorandum, the Court’s analysis would not change.

93, 94.) Plaintiffs, Goodman, and Negron all oppose the Motion to Intervene. Sweigert has replied to each response.<sup>18</sup> (ECF Nos. 110, 111, 116.)

**C. Summary of Allegations in the Amended Complaint**

This action arises out of a series of allegedly defamatory statements that Defendants made about Plaintiffs beginning on June 15, 2017. (Am. Compl. 20.) The Court first provides context about the relevant parties to the action, followed by a summary of Defendants' actions and statements.

**1. Plaintiffs: Steele and the Earth Intelligence Network**

Steele describes a long list of professional accomplishments, presenting himself as a former Central Intelligence Agency ("CIA") operations officer, a former civil servant, and the recipient of various advanced degrees. (Am. Compl. 6.) Steele works to "redirect[] the craft of intelligence away from spies and secrecy enabling war and waste towards open sources and methods favorable to peace and prosperity." (*Id.* 8.) Plaintiffs assert, without elaboration, that "[f]or over twenty (20) years, [Steele] has dedicated himself to teaching individuals and organizations about the value of holistic analytics, true cost economics, and Open Source

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<sup>18</sup> Sweigert has also filed other miscellaneous documents: a document supplementing his prior motion for leave to seek injunctive relief, (ECF No. 119); a copy of a letter to Goodman which accuses Goodman of "consistently restat[ing] falsehood[s]," among other things, (ECF No. 120); a "supplemental motion" for leave to seek injunctive relief, (ECF No. 124); eight letters addressed to the Court and Goodman further alleging "attempted fraud on the Court" by Goodman, (ECF Nos. 129, 137, 138, 140, 142, 145, 147, 149, 150); and, a "Praecipe for the Clerk" advising the Clerk of Court that Sweigert will file a Petition for Writ of Mandamus with the United States Court of Appeals for the Fourth Circuit addressing the Court's delay in addressing his filings, (ECF No. 148), and a "Corrected" Praecipe for the Clerk, (ECF No. 151).

Because the Court will deny Sweigert's Motion to Intervene, the Court will deny his motion as moot. (ECF No. 124.) The Court concludes that Sweigert's filings will not assist the Court in resolving this matter, and will therefore strike the filings. *See Kimberlin*, 2014 WL 12680738 at \*1; *Dietz*, 136 S. Ct. at 1891.

Everything Engineering.” (*Id.* 7.) Steele “was nominated for a Nobel Peace Prize” for this work. (*Id.* 8.)

In 2006, Steele founded Earth Intelligence Network (“EIN”), a Virginia 501(c)(3) not-for-profit corporation, and a plaintiff in this action. (*Id.* 9.) “The original purpose and long-term focus of Earth Intelligence Network is to teach citizens the urgency of demanding holistic analytics, true cost economics, and Open Source Everything Engineering (OSEE) as the foundation for enlightened self-governance.” (*Id.* 9.) In order to fulfill this purpose, EIN started the #UNRIG (sometimes UNRIG) project, “an educational campaign to communicate to all citizens the possibility of an ethical, legal, non-violent restoration of integrity to the United States Government.” (*Id.*) In support of this mission, Plaintiffs “acquired and professionally wrapped an RV, and began a national tour of the [c]ountry in furtherance of the ‘Summer of Peace’ campaign.”<sup>19</sup> (*Id.* 87.)

Public donations fund the #UNRIG campaign, and EIN “is fully transparent and accountable to its donors.” (*Id.* 9.) Plaintiffs aver they “account[] for every penny spent in a budget that was posted online.” (*Id.* 86 (providing a weblink).) Using the donations, Plaintiffs “actively promote[] the mission of #UNRIG and communicate[] with all donors.” (*Id.*)

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<sup>19</sup> The “Summer of Peace” campaign sought to “nurture a national conversation about #UNRIG.” (Am. Compl. 10.)

**2. Defendants: Goodman, Negrón, and Lutzke**

According to Plaintiffs, Goodman operates “various social media properties” under the name “Crowdsource The Truth” or “CSTT.”<sup>20</sup> (Am. Compl. 11.) Plaintiffs quote Goodman, without attribution, describing CSTT as “an independent news organization dedicated to truth in media and integrity in government. Our process is driven by a unique, open source fact checking ‘truth engine’ that has been described as a combination of investigative journalism, social media[,] and reality television.” (*Id.*) Goodman creates and uploads videos through the various CSTT media accounts, which have thousands of followers.<sup>21</sup> “Goodman solicits donations, advertises products and derives revenue from” these videos. (*Id.*) Goodman often hosts guest speakers in these videos, including Negrón and Lutzke.

Plaintiffs aver that Negrón “co-produced numerous videos uploaded to the CSTT YouTube channel.” (*Id.* 12.) She “appeared and actively participated in virtually every video at issue in this action, one of which was even filmed at her home.” (*Id.*) Negrón allegedly has over 24,000 followers on Twitter, where she allegedly republished defamatory statements made by Lutzke about Plaintiffs. (*Id.* at 13.)

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<sup>20</sup> The Amended Complaint appears to identify links to CSTT’s YouTube channel, a Facebook page, a Twitter account, a Patreon account, and a Google Plus account. (Am. Compl. 11.)

<sup>21</sup> The Amended Complaint states:

As of September 1, 2017, 14,526 people subscribed to Goodman’s YouTube channel, 1,925 people followed Goodman on Facebook, and Goodman had 8,886 followers on Twitter. As of March 23, 2018, 53,447 people subscribed to Goodman’s YouTube channel, 4,189 people followed Goodman on Facebook, and Goodman had 21,700 followers on Twitter.

(Am. Compl. 11.)

According to Plaintiffs, Lutzke adopted the pseudonym “Queen Tut” as her online persona, using an image of an Egyptian bust to represent herself. (*Id.* 16.) Lutzke participated in numerous CSTT videos speaking as Queen Tut. In the videos, Defendants refer to Lutzke as Queen Tut and display a picture of the Egyptian bust to represent Lutzke. (*Id.*)

**3. Defendants’ Alleged Actions Before September 1, 2017**

Steele planned to appear in a CSTT live-stream broadcast on June 15, 2017, in which Goodman and Negron would interview Steele. (Am. Compl. 18.) The day before the scheduled interview, on June 14, 2017, Goodman and Negron posted a video that reported, seemingly falsely, that a dirty bomb was present on a ship.<sup>22</sup> (*Id.* 18–19.) As a result of this event, and the ensuing FBI investigation, Steele “immediately canceled the planned interview” and informed Goodman via email that he no longer wished to associate with Goodman. (*Id.* 19.) According to Plaintiffs, “in retaliation and reprisal for [Steele’s] decision to no longer have anything to do with Goodman and CSTT, Goodman, Negron[,] and Lutzke began an unprecedented smear campaign against Plaintiffs.” (*Id.* 20.)

Between June 15, 2017 and September 1, 2017, Goodman, Negron, and Lutzke allegedly produced and published at least a dozen videos as part of this “smear campaign.” (Am. Compl. *passim.*) In a June 20, 2017 video, Goodman and Negron appear together in a London hotel room, and Goodman accuses Steele of stealing from the CSTT audience at least three times. (*Id.* 23.)

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<sup>22</sup> In the video, Goodman and Negron claimed a ship at the Port of Charleston, South Carolina, carried a “dirty bomb.” (Am. Compl. 19.) Goodman and Negron encouraged viewers to alert the United States Coast Guard about the threat, causing a shutdown of the terminal. (*Id.*) The Federal Bureau of Investigation investigated the “false report of a dirty bomb aboard the” vessel. (*Id.*)



On June 26, 2017, Lutzke appeared in a CSTT video as Queen Tut, accusing Steele and his UNRIG campaign of fraud. (*Id.* 24.) From then through September 1, 2017, Goodman, Negron, and Lutzke posted dozens of similar videos.<sup>23</sup> Steele contends that Defendants' exact statements vary over the course of the videos, sometimes focusing on personal insults against Steele<sup>24</sup> and sometimes making accusations against Steele and his organizations, including Plaintiff EIN.<sup>25</sup>

In addition to these videos, the Amended Complaint describes several other online platforms through which Defendants allegedly publish disparaging comments regarding Plaintiffs, including Twitter and email. In essence, Plaintiffs claim that Defendants persistently accuse them of perpetuating a scam and defrauding CSTT viewers who donated to EIN's

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<sup>23</sup> The Amended Complaint provides great detail, including links, screenshots, and direct quotations excerpted from these videos. (Am. Compl. *passim*.) Steele alleges that Goodman appears in all of the videos as the primary speaker. (*Id.*) Plaintiffs allege that Negron co-produced most of the videos, also appearing in many of them, thereby contributing to the insults against Steele and #UNRIG. (*See id.* 12.) Lutzke makes guest appearances in many videos, insulting Steele directly. (*Id. passim*.) Lutzke also allegedly published derogatory claims about Steele on her Twitter account. (*Id.*)

<sup>24</sup> In one video, Goodman states that he "find[s] it really difficult to believe that he was ever in the CIA because he just seems so f---ing stupid." (Am. Compl. 36 (quoting an August 7, 2017 video).) Negron describes Steele as "predatory in nature." (*Id.* 40 (quoting an August 13, 2017 video).) Goodman calls Steele a "fraudster," and states that "[Steele]'s lying." (Am. Compl. 28, 45, 55 (quoting various videos).)

<sup>25</sup> Goodman claims "that the objective of the UNRIG campaign is to 'get money' for [Steele]." (Am. Compl. 41 (quoting an August 13, 2017 video).) Lutzke calls EIN's #UNRIG campaign "a total scam," stating that "Robert David Steele and UNRIG are trying to raise money, as much money as they possibly can to fund their little scam." (*Id.* 40, 46 (quoting multiple videos).) Negron calls Steele "a serious con man." (*Id.* 45 (quoting an August 26, 2017 video).) Negron further states: "this is a serious fraud. I mean that it is a fraud. No question." (*Id.* 46 (quoting an August 26, 2017 video).) Defendants refer to "the Electoral Reform Act"<sup>25</sup> and describe it as part of Plaintiffs' scam. (*See, e.g., id.* 45 (quoting an August 26, 2017 video).)



#UNRIG campaign by stealing donors' money to personally enrich Steele or his allies rather than using the funds for the #UNRIG mission.

**4. Defendants' Alleged Actions After September 1, 2017**

Plaintiffs allege that a shift occurred after the filing of this action. While Goodman and Lutzke intensified their attacks against Plaintiffs, Negron ceased to participate in any subsequent video productions or appearances (with one exception). (*Id.* 48.) Although Plaintiffs concede Negron ceased her improper activities regarding video production with Goodman, Plaintiffs maintain that Negron and Lutzke continued to conspire to defame Plaintiffs through Twitter publications. Negron limited her role to reposting some of Lutzke's statements. (*Id.* 13.)

Plaintiffs allege that, between September 1, 2017 and December 2017,<sup>26</sup> Goodman and Lutzke produced and published about ten videos containing defamatory statements about Plaintiffs. Many of the videos reiterate the same kinds of statements made in previous videos. Defendants apparently acknowledge and discuss the ongoing litigation in these videos. Goodman describes himself as "happy" about the lawsuit because it will expose "charity fraud and tax fraud," of which he claims to have "very solid evidence." (*Id.* 60, 62 (quoting September 30, 2017 and October 7, 2017 videos).)

Plaintiffs contend that some of the videos incite violence against Steele. In one video featuring Goodman and Lutzke, Lutzke directly addresses Steele: "you're a person who needs to be put down." (*Id.* 57 (quoting a September 23, 2017 video).) According to Plaintiffs, Goodman interjects to say "legally speaking," and Lutzke then says: "legally speaking[,] absolutely legally

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<sup>26</sup> Around December 2017, according to Plaintiffs, Goodman and Lutzke had some kind of falling out and did not produce any more videos together. (Am. Compl. 67, 74–75, 83.) Plaintiffs allege that Goodman and Lutzke, acting individually, continued their defamatory actions. (*Id.* 70–73, 78.)

speaking[,] that you need to be put in a place where you can no longer affect human beings.” (*Id.* (quoting a September 23, 2017 video).) Goodman and Lutzke posted a different video displaying an image of an RV exploding. (*Id.* 59 (displaying an apparent screenshot of a September 30, 2017 video).) The side of the flaming RV displays a picture of Steele and McKinney. Plaintiffs aver that Goodman and Lutzke “disclosed [Steele’s] home address to their viewers and subscribers, and used Google Maps to show a photo of [Steele]’s home.” (*Id.*)

Since December 2017, Goodman, acting alone, has continued to make allegedly defamatory statements against Plaintiffs.<sup>27</sup> Lutzke has also disseminated, through Twitter and videos, negative commentary about Plaintiffs since December 2017.<sup>28</sup> Negron has neither produced nor appeared in any more videos since December 2017.<sup>29</sup>

**D. Sweigert’s Allegations and Motion to Intervene**

As is evident from the summary above, none of the allegations in the Amended Complaint pertain to non-party David George Sweigert. Sweigert alleges that in 2017, Goodman began “an unrelenting social media smear campaign”<sup>30</sup> against Sweigert that includes calls to

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<sup>27</sup> Plaintiffs claim that Goodman posted at least four videos between February 2018 and April 13, 2018, the date of the filing of the Amended Complaint. (Am. Compl. 70–73.) Goodman repeats accusations similar to those in earlier videos. (*Id.* 73.)

<sup>28</sup> In one Twitter post, Lutzke apparently calls Steele “the greatest plagiarizer and liar on the internet.” (Am. Compl. 78.) And according to Plaintiffs, Lutzke “has now escalated the falsehoods to and [sic] include accusations that [Steele] protects pedophiles, defends child traffickers, wants JIHAD in the United States, has committed ‘espionage’ and ‘treason’, and [sic] etc.” (*Id.* 75.)

<sup>29</sup> Though not creating content, Plaintiffs aver that Negron continued to conspire with Lutzke to defame Plaintiffs, and that Negron retweeted some of Lutzke’s Twitter comments as part of this conspiracy. (Am. Compl. 13.)

<sup>30</sup> Goodman undertook this putative campaign after Sweigert published a “technical report” about the Charleston “dirty bomb hoax . . . from the perspective of Critical Infrastructure

violence against him. (Mot. Intervene, ¶¶ 1, 16–19, ECF No. 93.) Sweigert further argues that this smear campaign has caused him severe emotional distress, prompting him to take preventive measures “to deter would-be stalkers.” (*Id.* ¶ 140.) Sweigert also moves the Court to join as a defendant David Charles Hawkins,<sup>31</sup> who Sweigert claims has “become inextricably intertwined” in Goodman’s “damaging civil torts.” (*Id.* ¶ 21.) Sweigert asserts the following claims against Goodman and Hawkins:

- Count I:** Witness retaliation, in violation of 42 U.S.C. § 1985(2);<sup>32</sup>
- Count II:** Conspiracy to commit witness retaliation, in violation of 42 U.S.C. § 1985(2);
- Count III:** Civil contempt;
- Count IV:** Defamation *per se*;
- Count V:** Business conspiracy, in violation of Virginia Code § 18.2-499 and Virginia Code § 18.2-500;

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Protection (CIP), the career field practiced by [Sweigert].” (Mot. Intervene ¶¶ 4–5, ECF No. 93.) Sweigert committed to sending “dozens of copies of these technical reports to committees of Congress and law enforcement agencies.” (*Id.* ¶ 5.)

<sup>31</sup> The Amended Complaint lacks any reference to Hawkins, whom Sweigert describes as “a newly identified co-conspirator” of Goodman’s. (Mot. Intervene ¶ 15.)

<sup>32</sup> This civil rights conspiracy provision states, in relevant part:

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in [her or] his person or property on account of [her or] his having so attended or testified . . . the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

42 U.S.C. § 1985(2)–(3).

**Count VI:** Intentional infliction of emotional distress; and,

**Count VII:** Unauthorized use of name and picture.

(*Id.* ¶¶ 52–144.) For relief on each count, Sweigert seeks a permanent injunction<sup>33</sup> and treble damages of \$3 million. (*Id.* ¶¶ 147, 150.)

In his Motion to Intervene, Sweigert asserts that Goodman’s defamation and retaliation against him entitles him to join this action as a plaintiff. Neither document is a model of clarity.<sup>34</sup> Sweigert admits that on June 14, 2018, he filed a separate lawsuit against Goodman on “these and related claims.”<sup>35</sup> (Mot. Intervene ¶¶ 7–8.) Neither the Motion nor supporting memorandum mentions Defendants Negron or Lutzke, and the discussion centers on the actions of only Goodman and Hawkins, a non-party.

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<sup>33</sup> The requested injunction would “direct social media platform providers to remove the accounts of the co-conspirators,” including the offending posts and videos described in Sweigert’s filings. (Mot. Intervene ¶¶ 147–48.)

<sup>34</sup> For example, his memorandum discusses the issue of Article III standing at length before moving to the merits of Sweigert’s claims. (See Mem. Supp. ¶¶ 11–31, ECF No. 94.) Under Article III of the U.S. Constitution, one may sue another in federal court only if there exists between them a “case or controversy” consisting of (1) “an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 136 S.Ct. 1540, 1547 (2016) (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992)). No party seeks dismissal of Sweigert based on standing.

<sup>35</sup> Sweigert filed suit in the District of South Carolina, which transferred the action to the Southern District of New York. In his South Carolina action, Sweigert alleges RICO and other criminal violations arising from the Charleston incident. (See Compl., ECF No. 1, *Sweigert v. Goodman*, No. 2:18-cv-1633 (D.S.C.); 1:18-cv-08653 (S.D.N.Y.)) In November 2018, that court ordered that Sweigert show cause “why his amended complaint should not be dismissed,” staying proceedings generally. (Order to Show Cause, *Sweigert v. Goodman*, No. 1:18-cv-08653, ECF No. 65 (S.D.N.Y. Nov. 16, 2018)). Sweigert responded to the court’s order. The case pends as of the date of this Memorandum Opinion.

## II. Analysis

Non-party Sweigert moves to intervene as a plaintiff under Federal Rule of Procedure 24. Rule 24 provides two mechanisms of intervention: Rule 24(a), intervention by right, in which the court must add the movant as a party in certain circumstances; and, Rule 24(b), intervention by permission, in which the court exercises discretion to allow or bar intervention on the basis of a “common question of law or fact.”<sup>36</sup> Fed. R. Civ. P. 24.

In his Motion to Intervene, Sweigert bases his argument on intervention as of right under Rule 24(a). However, conscious of its duty to construe *pro se* pleadings liberally,<sup>37</sup> the Court liberally construes Sweigert’s request as also seeking permissive intervention. Under either standard, Sweigert’s argument fails to meet the burden required of intervenors. The Court will deny the Motion to Intervene.

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<sup>36</sup> Under either mechanism of intervention, as a threshold matter, the Court must determine whether the movant timely filed her or his motion to intervene. *See* Fed. R. Civ. P. 24(a)(1), 24(b)(1). The trial court has sound discretion in deciding timeliness under Rule 24. *See Alt v. EPA*, 758 F.3d 588, 591 (4th Cir. 2014). When evaluating timeliness, the Court must consider three factors: “first, how far the underlying suit has progressed; second, the prejudice any resulting delay might cause the other parties; and third, why the movant was tardy in filing its motion.” *Alt*, 758 F.3d at 591; *see also Hill Phoenix, Inc. v. Systematic Refrigeration, Inc.* 117 F. Supp. 2d 508, 514 (E.D.Va. 2000). The most important factor in ascertaining whether a movant timely filed his or her motion to intervene is “whether the delay has prejudiced other parties.” *Spring Constr. Co. v. Harris*, 614 F.2d 374, 377 (4th Cir. 1980); *see also Hill Phoenix, Inc.*, 117 F. Supp. 2d at 514.

<sup>37</sup> District courts have a duty to construe *pro se* pleadings liberally. *Bracey v. Buchanan*, 55 F. Supp. 2d 416, 421 (E.D. Va. 1999). A *pro se* plaintiff must nevertheless allege facts sufficient to state a cause of action. *Id.* (citation omitted). The Court cannot act as a *pro se* litigant’s “advocate and develop, *sua sponte*, statutory and constitutional claims that the [litigant] failed to clearly raise on the face of [the] complaint.” *Newkirk v. Cir. Ct. of Hampton*, No. 3:14cv372, 2014 WL 4072212, at \*1 (E.D. Va. Aug. 14, 2014).

**A. Sweigert May Not Intervene as of Right**

Sweigert's Motion to Intervene as of right under Rule 24(a)(2) falters because his claims of defamatory and conspiratorial harm establish only that he may have similar claims to Steele's, not that he has an interest in Steele's claims. *See* Fed. R. Civ. P. 24(a)(2) (stating that the movant must "claim[ ] an interest relating to . . . the subject of the action, and [she or he must be] so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect [her or his] interest.") Sweigert lacks the right to intervene here.

**1. Legal Standard: Intervention as of Right**

In order to demonstrate a right to intervene in an action, the movant must show: 1) a "significantly protectable interest" in the subject matter of the action; 2) that the protection of this interest would be impaired without the movant's intervention; and, 3) that the movant's interest is not adequately represented by the existing parties. *Teague v. Bakker*, 931 F.2d 259, 260–61 (4th Cir. 1991) (quoting *Virginia v. Westinghouse Elec. Corp.*, 542 F.2d 214, 216 (4th Cir. 1976)). An interest qualifies as "significantly protectable" when "the intervenor stands 'to gain or lose by the direct legal operation of the district court's judgment' on the plaintiff's complaint." *Cooper Techs., Co. v. Dudas*, 247 F.R.D. 510, 515 (E.D. Va. 2007) (quoting *Teague*, 931 F.2d at 261) (internal quotation marks omitted). Though the movant's burden for proving inadequate representation "should be treated as minimal," *Teague*, 931 F.2d at 262 (quotation omitted), when the movant "has the same ultimate objective as a party to the suit, a presumption arises that its interests are adequately represented, against which the petitioner must demonstrate adversity of interest, collusion, or nonfeasance," *Westinghouse*, 542 F.2d at 216. Indeed, "representation is considered adequate even though the applicant might have a slightly

different motive for litigating the issues.” *Dairy Maid Dairy, Inc. v. United States*, 147 F.R.D. 109, 112 (E.D. Va. 1993) (citing 3B *Moore's Federal Practice* ¶ 24.07[4]).

**2. Sweigert May Not Intervene as of Right Because He Fails to Demonstrate an Interest in the Subject of the Instant Lawsuit**

Somewhat surprisingly, no party addresses whether Sweigert’s Motion to Intervene is or is not timely.<sup>38</sup> *See Spring Constr. Co.*, 614 F.2d at 377. Because Sweigert fails to satisfy the first element of the intervention as of right analysis—a “significantly protectable interest”—Sweigert cannot intervene as of right. *See Cooper*, 247 F.R.D. at 514–15. Even reading the Motion to Intervene liberally, as the Court must, Sweigert alleges no direct connection between Defendants’ conduct concerning Plaintiffs and Goodman’s conduct concerning Sweigert. The

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<sup>38</sup> Had any party raised the issue, the Court would have evaluated it carefully. The Court considers three factors: “first, how far the underlying suit has progressed; second, the prejudice any resulting delay might cause the other parties; and third, why the movant was tardy in filing its motion.” *Alt*, 758 F.3d at 591. The first factor weighs against Sweigert because the suit has progressed to discovery. Plaintiffs filed their Original Complaint nearly two years ago. Sweigert first filed as a non-party over a year ago. (ECF No. 51.) Seventeen months after the filing of this action, and nine months after his first filing in the case, Sweigert moved to intervene. (ECF No. 73.) During that time, this Court ruled on five motions, including two motions to dismiss. (ECF No. 86.) Counsel for Negron and Steele have conducted at least one discovery planning conference without Sweigert. (ECF No. 112.) Even considering Sweigert’s *pro se* status, the first factor weighs against intervention.

The second timeliness factor evaluates prejudice to the existing parties. *See Spring Constr. Co.*, 614 F.2d at 377. This factor also weighs against intervention because, notwithstanding their failure to raise timeliness, the existing parties likely would suffer prejudice in the delay resulting from Sweigert’s intervention. Given the extent of pretrial briefing completed, this case is ready for discovery and trial. Sweigert’s intervention would add new parties, new factual allegations, and new legal claims, thereby ensuring significant delay. The second factor weighs against Sweigert.

The third timeliness factor, the rationale behind the movant’s tardiness in filing its motion to intervene, does not weigh in favor of or against timeliness. *See Alt*, 758 F.3d at 591. Although Sweigert does not justify the extended delay in bringing the Motion to Intervene, Sweigert has no benefit of counsel and no party challenges timeliness.

None of the three timeliness factors weighs clearly in favor of intervention. But because the Court will deny the Motion to Intervene on other grounds, the Court assumes, without deciding, that the Motion to Intervene is timely.



Court accordingly finds that Sweigert lacks a “significantly protectable” interest in this litigation sufficient to merit intervention.

Sweigert makes no reference to the specific, numerous allegations contained in the Amended Complaint. The references to Steele in Sweigert’s briefings come only in passing and do not seek to establish a connection between the harm Plaintiffs allege and the harm Sweigert alleges. (*See* Mem. Supp. Mot. Intervene ¶¶ 2, 14, 47.) To the extent that Sweigert’s claims seem “identical” to Steele’s, the claims relate to two distinct sets of conduct or statements: those directed at Plaintiffs and those directed at Sweigert. For example, Sweigert seeks to bring a business conspiracy claim against Goodman pursuant to Virginia Code § 18.2-499 and -500, which the Amended Complaint also asserts. But the allegations that support Count III in the Amended Complaint pertain only to Plaintiffs:

Goodman, Negron and Lutzke . . . acted in concert . . . for the express purpose of *injuring the Earth Intelligence Network* and #UNRIG in its business and reputation through the publication and republication of false and defamatory statements . . . [Defendants] orchestrated a scheme the unlawful purpose of which was to defame *Robert* and #UNRIG and destroy their reputations and business.

(Am. Compl. 90) (emphases added). Sweigert alleges that Goodman and non-party Hawkins injured his business as a “Critical Infrastructure Protection” professional, (Mot. Intervene ¶ 4), by means of a similar smear campaign executed through a different set of YouTube videos, (*id.* ¶¶ 1, 4). Sweigert fails to refer to the existing allegations in the Amended Complaint or to explain how his allegations pertaining to business conspiracy satisfy Rule 24(a).

Although Sweigert mentions some factual similarities by describing an alleged smear campaign by Goodman analogous to the alleged defamation campaign undertaken by Defendants against Plaintiffs, the distinctions outnumber the similarities. Here, Plaintiffs seek recovery from three Defendants: Goodman, Negron, and Lutzke. Sweigert, on the other hand, seeks to recover



from Goodman and Hawkins, a non-party whom Sweigert seeks to join as a defendant. Sweigert fails to mention any relevant conduct by either Negron or Lutzke in his briefings. These differences underscore the disparate qualities of Plaintiffs' and Sweigert's claims.

Considering the "significantly protectable" quality an intervenor's interest must have under the *Westinghouse-Teague* standard, Sweigert does not stand to gain or lose anything by the "direct legal operation" of the Court's decision in this case because nothing stands to preclude him from asserting any claim he may have against Goodman in a separate suit.<sup>39</sup> *See Teague*, 931 F.2d at 261. The underlying controversy between the existing parties pertains to them only. Even read liberally, Sweigert has shown no connection between his purported claims and Plaintiffs', meaning Sweigert fails to establish the first element of intervention as of right.<sup>40</sup> Falling short on the first prong, Sweigert proves no right to intervene in this action. The Court will deny the Motion to Intervene under Rule 24(a)(2).

**B. Sweigert May Not Intervene Permissively**

Intervenors may seek to intervene in a case by permission when they "ha[ve] a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P.

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<sup>39</sup> Sweigert raises res judicata as a potential impairment of his interest should Goodman prevail in this litigation. (Sweigert's Reply to Negron's Resp. Mot. Intervene ¶¶ 53–54, ECF No. 111.) This argument misconstrues res judicata. Even if Goodman prevailed in *this* suit, he could not necessarily use such an outcome as a shield from claims against by Sweigert in a *different* suit. *See Blonder-Tongue Labs., Inc. v. Univ. of Ill. Found.*, 402 U.S. 313, 329 (1971); *Va. Hosp. Ass'n v. Baliles*, 830 F.2d 1308, 1311–12 (4th Cir. 1987). Even if the Court denies Plaintiffs the relief they seek, nothing would preclude Sweigert from seeking to assert legally similar claims under different facts.

<sup>40</sup> Considering the second and third elements would highlight this fatal flaw. As to the second element, this action must impair Sweigert's ability to protect his interest, *see Teague*, 931 F.2d at 262, but Sweigert and Plaintiffs do not share the same claims. Evaluating the third element would lead to the same inevitable conclusion: the Court cannot determine whether Plaintiffs can adequately represent Sweigert's interests because Sweigert's interests, whatever they may be, are not at issue in this case.

24(b)(1)(B). The Court has “substantial discretion” to allow or deny intervention of such claims provided they do not unduly prejudice the existing parties. *Smith v. Pennington*, 352 F.3d 884, 892 (4th Cir. 2003). Because allowing Sweigert to intervene would cause such prejudice, the Court will deny intervention by permission.

**1. Legal Standard: Permissive Intervention**

District courts enjoy wide discretion to grant or deny permissive intervention. *See Wright v. Krispy Kreme Doughnuts, Inc.*, 231 F.R.D. 475, 479 (M.D.N.C. 2005). The United States Court of Appeals for the Fourth Circuit favors “liberal intervention . . . to dispose of as much of a controversy” as possible, *Feller v. Brock*, 802 F.2d 722, 729 (4th Cir. 1986), but stops short of allowing the existing parties to suffer prejudice or delay on the intervenor’s account. *See Alt*, 758 F.3d at 591.

Permissive intervention requires a court to apply a three-part test requiring the movant to show “1) that [her or his] motion is timely; 2) that [her or his] claims or defenses have a question of law or fact in common with the main action;<sup>[41]</sup> and 3) that intervention will not result in undue delay or prejudice to the existing parties.” *RLI Ins. v. Nexus Servs.*, No. 5:18-cv-00066, 2018 WL 5621982, at \*5 (citing *Wright*, 231 F.R.D. at 479). The Fourth Circuit has instructed courts to weigh the third element, undue prejudice, most heavily. *Spring Constr.*, 614 F.2d at 377.

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<sup>41</sup> The second element, requiring a common question of law or fact, evinces a lower standard than the corresponding element of mandatory intervention. 7C Charles A. Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1911 (3d ed.). A treatise reports:

Close scrutiny of the kind of interest the intervenor is thought to have seems especially inappropriate under Rule 24[b] since it makes no mention of interest. . . .

**2. Sweigert May Not Intervene Because Intervention  
Would Unduly Burden the Existing Parties**

The Court finds that Sweigert falters on each of the three elements of permissive intervention, even reading his Motion to Intervene liberally. As to the first element of the analysis, timeliness, the parties chose not to raise the issue despite its seeming relevance to the case at bar. *See supra* n.38.

As to the second element, a common question of law or fact, Sweigert's arguments do not persuade the Court that the actions or claims sufficiently overlap. *See supra* Section II.A.2.<sup>42</sup> Factually, the parties are not common between the two sets of claims. Plaintiffs sued Goodman, Negron, and Lutzke, (Am. Compl. *passim.*), while Sweigert seeks to adjudicate claims against only Goodman and non-party Hawkins, (Mot. Intervene *passim.*). Sweigert implicitly concedes that he has no business with Negron and Lutzke when he omits them from his pleadings, and Plaintiffs bring no claim against Hawkins.

The two sets of claims also lack a common factual foundation. For example, in order to adjudicate an unlawful combination for the purpose of "willfully and maliciously injuring [Sweigert] in his reputation, trade, business or profession," this Court would have to both add Hawkins as a defendant and review allegations premised on a new set of videos and online postings—wholly irrelevant to the existing Plaintiffs—into evidence. *See* VA. CODE ANN. § 18.2-499. The defamation *per se* claims that Plaintiffs and Sweigert assert highlight Sweigert's

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The concept of a common question of law or fact . . . has not been a difficult concept to apply in other contexts and it should not be here.

7C Fed. Prac. & Proc. § 1911 (3d ed.).

<sup>42</sup> Sweigert fails to connect his own allegations with those in the Amended Complaint, except to the general extent that he accuses Goodman of similar actions against Sweigert to those alleged in the Amended Complaint against Plaintiffs Steele and EIN.

failure to satisfy a common question of fact. Even though both Sweigert and Plaintiffs assert defamation *per se* against Goodman, no factual overlap would exist because the Court would have to consider statements that are allegedly defamatory against Plaintiffs separately from statements that are allegedly defamatory against Sweigert. As explained throughout this Memorandum Opinion, the alleged factual similarities between the type and manner of harm suffered by parties do not vest Sweigert either with a right or reason to join this case.

Legally, the Amended Complaint and Sweigert's Motion to Intervene lack a common foundation. Sweigert's Motion to Intervene raises entirely new questions of law, such as the witness retaliation claims under § 1985 in Counts I and II, and civil contempt in Count III. Because the factual allegations underlying the additional claims differ from the allegations already before the Court, the new legal causes of action would add complexity without conserving judicial or party resources. And even when Sweigert asserts the same causes of actions, the facts underlying them differ. This would result in hearing two parallel trials in one proceeding. It is crystal clear that Sweigert's claims raise different questions of both law and fact from those alleged in the Amended Complaint.

Even were the Court to assume that Sweigert's Motion to Intervene satisfied the first and second elements of permissive intervention, it patently fails to overcome the third element, the resulting delay or prejudice to the existing parties. All existing parties—Plaintiffs and Defendants alike<sup>43</sup>—oppose intervention. Sweigert has filed more than fifty documents with the Court in this litigation to date, including multiple declarations and motions for injunctive relief.

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<sup>43</sup> Lutzke alone, against whom the Clerk has entered default, has not responded to oppose intervention or for any other purpose.

Many of these prolix filings appear frivolous, even construing them liberally. Going forward, existing parties would suffer both delay and prejudice if the Court allowed Sweigert to intervene.

The Fourth Circuit has expressed sensitivity to a “deluge[ of] additional briefs and pleadings” that would add “no new viewpoints and little if any illumination to the original . . . disputes.” *Westinghouse*, 542 F.2d at 217. If the Court were to allow any party claiming defamation by these Defendants to intervene against them in this case, the “resultant complexity of the litigation, combined with increases in cost and judicial time, would hinder resolution of the present conflict.” *Id.* Sweigert’s intervention would result in undue delay and prejudice. Even liberally construing the Motion as seeking permissive intervention, the Court will deny the Motion to Intervene under Rule 24(b)(1)(B).

### III. Conclusion

For the foregoing reasons, the Court will deny Sweigert’s Motion to Intervene. (ECF No. 93.) The Court will also deny Sweigert’s other motions as moot. (ECF Nos. 102, 108, 124.) The Court will strike Sweigerts’ miscellaneous filings from the record. (ECF Nos. 51, 54, 55, 56, 58, 59, 60, 75, 77, 84, 103, 120, 137, 138, 140, 142, 145, 147, 149, 150.) The Court addresses all other pending motions by separate Memorandum Order and Opinion. (ECF Nos. 109, 121, 126, 127.)

An appropriate Order shall issue.

Date: 7/25/19  
Richmond, Virginia

  
M. Hannah Lauck  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ROBERT DAVID STEELE, *et al.*,

Plaintiffs,

v.

Civil Action No. 3:17cv601

JASON GOODMAN, *et al.*,

Defendants.

ORDER

For the reasons stated in the accompanying Memorandum Opinion, the Court DENIES Sweigert's Motion to Intervene, (ECF No. 93), and will not consider future filings by Sweigert. The Court DENIES AS MOOT Sweigert's other motions. (ECF Nos. 102, 108, 124.) The Court STRIKES Sweigerts' miscellaneous filings from the record. (ECF Nos. 51, 54, 55, 56, 58, 59, 60, 75, 77, 84, 103, 120, 137, 138, 140, 142, 145, 147, 149, 150.) The Court will address all other pending motions by separate Memorandum Opinion and Order. (ECF Nos. 109, 121, 126, 127.)

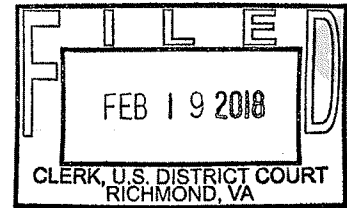
Let the Clerk send a copy of this Memorandum Opinion and Order to all counsel of record and to Sweigert, Goodman, and Lutzke at their respective addresses of record.

It is SO ORDERED.

Date: 7/25/19  
Richmond, Virginia

  
M. Hannah Lauck  
United States District Judge

From: Jason Goodman truth@crowdsourcethetruth.org  
Subject: Still good for 1pm start?  
Date: March 29, 2018 at 12:33 PM  
To: Tone Tone@protonmail.ch



Hi Tone,

Just checking in to make sure we are still good to begin in 27 minutes

Jason

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND VIRGINIA**

ROBERT DAVID STEELE,

Plaintiff,

-against-

JASON GOODMAN,

Defendant.

**17-CV-00601-MHL**

**MOTION TO INTERVENE BY  
INTERVENOR-APPLICANT  
SWEIGERT**

**MOTION TO INTERVENE BY INTERVENOR-APPLICANT SWEIGERT**

**PROCEDURAL STATEMENT**

1. **NOTICE SHOULD BE TAKEN BY THE CLERK OF THE COURT AND ALL PARTIES** that the interested party known as D. GEORGE SWEIGERT is seeking the LEAVE OF THE COURT TO INTERVENE into this instant lawsuit pursuant to Fed. R. Civ. Proc. Rule 24(a) and Virginia Supreme Court Rule 3:14 (Rule 3:14 provides that “[a] new party may by leave of court file a pleading to intervene as a plaintiff or defendant to assert any claim or defense germane to the subject matter of the proceeding.”).
2. The interested party (intervenor-applicant) D. George Sweigert purposes to intervene as a **PLAINTIFF**. As sworn below, Sweigert has an interest identical to the Plaintiff (Robert David Steele) in these proceedings and maintains an interest in their outcome.
3. As no discovery has taken place and these proceedings are in the pleading stages, this **MOTION** appears timely and does not present a prejudicial burden to any party.

**(EXHIBIT D)**



*D.G. Sweigert, c/o  
P.O. Box 152  
Mesa, AZ 85211  
Spoliation-notice@mailbox.org*

Feb. 22, 2019

**Capt. Jason Tama, USCG  
Captain of the Port  
USCG Sector New York  
212 Coast Guard Dr.  
Staten Island, NY 10305**

**SUBJ: Closure of the Port of Charleston, June 14<sup>th</sup>, 2017**

Captain:

As you may be aware, the true target of a dirty bomb hoax appears to be the Port of New York and New Jersey (N.Y./N.J.). New evidence available via open sourced intelligence (OSINT) (in social media) provides indicators about the true intended target of the dirty bomb hoax of June 14<sup>th</sup>, 2017 was not the Port of Charleston, South Carolina.

The apparent terrorist-style controllers of the event (alleged to be Jason David Goodman and George Webb Sweigert) were misinformed about the position of the MEMPHIS MAERSK container ship and executed their "cyber-attack" a day late. Based on the totality of newer OSINT evidence, it appears when Goodman/Sweigert learned that the MEMPHIS MAERSK was underway to the Port of Charleston that port became the new target of opportunity.

Therefore, it may be prudent to reopen the investigation by the U.S. Coast Guard, which (according to press releases at that time) was immediately turned over to other law enforcement organizations with limited knowledge in maritime affairs and port security.

Warm regards,

  
D. G. Sweigert

Copies provided:

Michael Farbiarz, esq.  
Chief Legal Counsel  
The Port Authority of  
New York and New Jersey  
4 World Trade Center  
150 Greenwich Street  
New York, NY 10007

Mr. Nils Smedegaard Anderson  
Chief Executive Officer  
MAERSK, INC.  
180 Park Ave  
Building 105  
P.O. Box 950  
Florham Park, NJ 07932

Threat Analysis Unit (ROIC)  
Office of the NJ  
Regional Operations Intelligence Center  
PO Box 7068  
West Trenton, NJ 08628

Craig Carpenito  
U.S. Attorney  
U.S. Attorney's Office  
970 Broad Street, 7th Floor  
Newark, NJ 07102

JASON GOODMAN, CEO  
Multimedia Systems Designs, Inc.  
252 7<sup>th</sup> Avenue, APT #6S  
New York, NY 10001

**(EXHIBIT E)**

TRANSCRIPT OF MULTI-PARTY VIDEO CHAT BETWEEN D. GEORGE SWEIGERT,  
TYROAN SIMPSON, MANUEL CHAVEZ III, NATHAN STOLPMAN, CHERI AND  
HOAXWARS PUBLISHED ON YOUTUBE

Video and audio evidence available (<https://www.bitchute.com/video/Ez5xgxUk8daU/>)

1  
2  
3  
4  
5 1  
6 00:00:00,000 --> 00:00:05,190  
7 picture go find this person where are  
8 2  
9 00:00:02,580 --> 00:00:07,140  
10 where is this person and that's where  
11 3  
12 00:00:05,190 --> 00:00:10,740  
13 you cross the line you can't swim your  
14 4  
15 00:00:07,140 --> 00:00:12,570  
16 forehead okay I apologize we see your  
17 5  
18 00:00:10,740 --> 00:00:14,099  
19 forehead again I think that's good I  
20 6  
21 00:00:12,570 --> 00:00:16,650  
22 think that's good for one night guys and  
23 7  
24 00:00:14,099 --> 00:00:18,359  
25 I think you know that there are other  
26 8  
27 00:00:16,650 --> 00:00:21,270  
28 things that could be being discussed  
29 9  
30 00:00:18,359 --> 00:00:22,949  
31 right now and this little uh SIOP it's  
32 10  
33 00:00:21,270 --> 00:00:24,930  
34 an infection it's an infection it's  
35 11  
36 00:00:22,949 --> 00:00:26,430  
37 getting into everybody's heads nobody  
38 12  
39 00:00:24,930 --> 00:00:29,460  
40 trusts anybody there's a lot of paranoia  
41 13  
42 00:00:26,430 --> 00:00:31,050  
43 going on I've discussed this many times  
44 14

DEFENDANT'S OPPOSITION TO THE MOTION TO INTERVENE EXHIBIT A - 1

1 00:00:29,460 --> 00:00:32,430  
on my radio show that nobody listens to  
2 15  
3 00:00:31,050 --> 00:00:34,649  
and everybody seems to think I'm just  
4 16  
5 00:00:32,430 --> 00:00:36,090  
some kind of control but I'm actually  
6 17  
7 00:00:34,649 --> 00:00:39,590  
listened to by twenty thousand people in  
8 18  
9 00:00:36,090 --> 00:00:44,610  
Austin Texas including Alex Jones so  
10 19  
11 00:00:39,590 --> 00:00:49,379  
this is what's fun i've had i've kind of  
12 20  
13 00:00:44,610 --> 00:00:51,600  
went off a little bit but i'm alright i  
14 21  
15 00:00:49,379 --> 00:00:53,370  
just want to be friends but i want you  
16 22  
17 00:00:51,600 --> 00:00:54,989  
to stop being like alright two fingers  
18 23  
19 00:00:53,370 --> 00:00:56,520  
my friends but he's a fucking agent and  
20 24  
21 00:00:54,989 --> 00:00:59,160  
he's a piece of shit i don't want to  
22 25  
23 00:00:56,520 --> 00:01:01,109  
hear that about you i say that you know  
24 26  
25 00:00:59,160 --> 00:01:03,359  
nathan is fuckin nathan I made you a  
26 27  
27 00:01:01,109 --> 00:01:06,030  
crypto kitty bro and there's people on  
28 28  
29 00:01:03,359 --> 00:01:08,070  
as people yeah you want dude I'm selling  
30 29  
31 00:01:06,030 --> 00:01:09,420  
32 30

1 it right now for like a theory amigos  
30  
2 00:01:08,070 --> 00:01:11,220  
3 you know you're a YouTube star or  
31  
4 00:01:09,420 --> 00:01:13,290  
5 whatever but I mean I'll send it to you  
32  
6 00:01:11,220 --> 00:01:14,850  
7 I'm gonna put I'm gonna put LTVs face on  
33  
8 00:01:13,290 --> 00:01:16,170  
9 a coffee cup I'm gonna put out you do  
34  
10 00:01:14,850 --> 00:01:21,390  
11 that baby why don't you do that that's  
35  
12 00:01:16,170 --> 00:01:23,850  
13 how this all gets I made him a crypto  
36  
14 00:01:21,390 --> 00:01:25,920  
15 kitty but yeah you know like if nobody  
37  
16 00:01:23,850 --> 00:01:29,729  
17 but if any nobody buys it I'm gonna  
38  
18 00:01:25,920 --> 00:01:31,259  
19 fuckin send it to you let's talk about  
39  
20 00:01:29,729 --> 00:01:33,240  
21 how to take the the people in the  
40  
22 00:01:31,259 --> 00:01:35,460  
23 audience up the next level in the next  
41  
24 00:01:33,240 --> 00:01:37,500  
25 chain in all this and tell as many  
42  
26 00:01:35,460 --> 00:01:41,009  
27 people as I can for the Christmas time  
43  
28 00:01:37,500 --> 00:01:43,500  
for the show I'd be willing to buy  
44  
00:01:41,009 --> 00:01:45,540  
anybody an account on Steam it they can

1 45  
 2 00:01:43,500 --> 00:01:47,670  
 3 direct message me on the hoax wars on  
 4 46  
 5 00:01:45,540 --> 00:01:49,430  
 6 the other that includes you Dave I think  
 7 47  
 8 00:01:47,670 --> 00:01:52,890  
 9 that's the best way to get it  
 10 48  
 11 00:01:49,430 --> 00:01:54,479  
 12 JG I I think if you look at a unified  
 13 49  
 14 00:01:52,890 --> 00:01:55,829  
 15 effort and I got a lot of training in  
 16 50  
 17 00:01:54,479 --> 00:01:57,119  
 18 the government and all the rest of this  
 19 51  
 20 00:01:55,829 --> 00:01:57,810  
 21 stuff because I was in the military at a  
 22 52  
 23 00:01:57,119 --> 00:02:00,149  
 24 young age  
 25 53  
 26 00:01:57,810 --> 00:02:01,799  
 27 it's a unified effort and everybody has  
 28 54  
 00:02:00,149 --> 00:02:03,329  
 lanes and what's happening is people are  
 55  
 00:02:01,799 --> 00:02:05,159  
 getting in each other's lanes and I told  
 56  
 00:02:03,329 --> 00:02:07,409  
 I told everybody on the fan go show like  
 57  
 00:02:05,159 --> 00:02:09,119  
 two weeks ago I'm the government liaison  
 58  
 00:02:07,409 --> 00:02:11,670  
 I don't want to do anything else if you  
 59  
 00:02:09,119 --> 00:02:13,140  
 need a stand and LTV will tell you if  
 60

1 00:02:11,670 --> 00:02:14,940  
 you need a nasty letter  
 2 61  
 3 00:02:13,140 --> 00:02:17,819  
 written Dave's your guy if you want to  
 4 62  
 5 00:02:14,940 --> 00:02:20,069  
 make wheels of pagans that's right I  
 6 63  
 7 00:02:17,819 --> 00:02:21,420  
 mean I know what a lawyers do what do  
 8 64  
 9 00:02:20,069 --> 00:02:22,800  
 lawyers do what a congressman do  
 10 65  
 11 00:02:21,420 --> 00:02:25,740  
 whatever they know that we know they  
 12 66  
 13 00:02:22,800 --> 00:02:27,930  
 ain't that's a no the Inc so I  
 14 67  
 15 00:02:25,740 --> 00:02:29,250  
 volunteer to be the liaison to fuck  
 16 68  
 17 00:02:27,930 --> 00:02:31,440  
 with these guys through government  
 18 69  
 19 00:02:29,250 --> 00:02:33,150  
 processes through military processes through  
 20 70  
 21 00:02:31,440 --> 00:02:35,880  
 law enforcement processes that's how  
 22 71  
 23 00:02:33,150 --> 00:02:38,790  
 I'm fuckin with my brother George, I want to  
 24 72  
 25 00:02:35,880 --> 00:02:40,470  
 as a uh contribution I want to be right now  
 26 73  
 27 00:02:38,790 --> 00:02:42,360  
 finish the Steemit you know can write that  
 28 74  
 00:02:40,470 --> 00:02:44,459  
 you can write that into the  
 75  
 00:02:42,360 --> 00:02:46,890



1 Blockchain and you'd have you have an amazing  
76

2 00:02:44,459 --> 00:02:49,200

3 platform there my friend and the  
77

4 00:02:46,890 --> 00:02:50,520

5 reason I got started with that I got  
78

6 00:02:49,200 --> 00:02:51,450

7 started with that at the grassroots  
79

8 00:02:50,520 --> 00:02:53,250

9 level because people were getting  
80

10 00:02:51,450 --> 00:02:54,150

11 hassled by bill collectors people were  
81

12 00:02:53,250 --> 00:02:56,519

13 getting hassled by debt collectors  
82

14 00:02:54,150 --> 00:02:58,200

15 people were getting hassled by the IRS I  
83

16 00:02:56,519 --> 00:02:59,489

17 started fixing people's tickets I  
84

18 00:02:58,200 --> 00:03:01,470

19 started getting debt collectors off  
85

20 00:02:59,489 --> 00:03:04,739

21 their ass so I started at a very  
86

22 00:03:01,470 --> 00:03:06,300

23 grassroots level of mothers with two  
87

24 00:03:04,739 --> 00:03:07,769

25 kids that were single mothers that had  
88

26 00:03:06,300 --> 00:03:09,690

27 bill collectors coming after their ass I  
89

28 00:03:07,769 --> 00:03:11,640

started writing letters that I started  
90

00:03:09,690 --> 00:03:12,900

doing that like 30 years ago so I'm the

1 91

00:03:11,640 --> 00:03:15,720

2 letter writer I don't want to do

3 92

00:03:12,900 --> 00:03:16,980

4 anything else than letting on that let

5 93

00:03:15,720 --> 00:03:19,890

6 me get you on steemitit and let's get

7 94

00:03:16,980 --> 00:03:21,720

8 those letters written write them all the

9 95

00:03:19,890 --> 00:03:24,239

10 time but listen I'm writing that shit

11 96

00:03:21,720 --> 00:03:26,310

12 all the time behind the scenes on Jason

13 97

00:03:24,239 --> 00:03:28,500

14 and George I'm doing it all the time I

15 98

00:03:26,310 --> 00:03:29,850

16 like you guys paid for it now I can get

17 99

00:03:28,500 --> 00:03:32,579

18 you paid for it in a way that's not

19 100

00:03:29,850 --> 00:03:34,920

20 connected government at all I know that

21 101

00:03:32,579 --> 00:03:36,540

22 sounds like that I know that sounds

23 102

00:03:34,920 --> 00:03:37,920

24 sketchy but it's not the truth let me

25 103

00:03:36,540 --> 00:03:40,019

26 just finish this point let me just

27 104

00:03:37,920 --> 00:03:41,280

28 finish this point that's that's my role

105

00:03:40,019 --> 00:03:43,110

I don't want to be in any other role

106

DEFENDANT'S OPPOSITION TO THE MOTION TO INTERVENE EXHIBIT A - 7

1 00:03:41,280 --> 00:03:45,600  
 2 that's my lane I'll stay in my lane I  
 107  
 3 00:03:43,110 --> 00:03:47,579  
 4 don't I don't want to be on call-in  
 108  
 5 00:03:45,600 --> 00:03:49,739  
 6 shows or this or that or figure out  
 109  
 7 00:03:47,579 --> 00:03:51,840  
 8 puzzles everybody's got to find their  
 110  
 9 00:03:49,739 --> 00:03:55,049  
 10 part in this and do their part that's it  
 111  
 11 00:03:51,840 --> 00:03:57,450  
 12 I do radio with me yeah I used to do  
 112  
 13 00:03:55,049 --> 00:04:01,470  
 14 radio a long time ago see jlw yeah I'll  
 113  
 15 00:03:57,450 --> 00:04:02,910  
 16 do radio you undo radio let's do it yeah  
 114  
 17 00:04:01,470 --> 00:04:04,230  
 18 as long as I could take Dave act and  
 115  
 19 00:04:02,910 --> 00:04:06,060  
 20 because if you start throwing my real  
 116  
 21 00:04:04,230 --> 00:04:07,110  
 22 name out there I become ineffective and  
 117  
 23 00:04:06,060 --> 00:04:09,329  
 24 what I'm trying to do behind the scenes  
 118  
 25 00:04:07,110 --> 00:04:12,660  
 26 well my name is Frank bacon nobody's  
 119  
 27 00:04:09,329 --> 00:04:16,350  
 28 giving me shit about that so well I gave  
 120  
 29 00:04:12,660 --> 00:04:18,329  
 30 you shit I just got a load I got a load  
 121  
 31 00:04:16,350 --> 00:04:21,030

1 of bad news I mean I figured I'd just  
122  
2 00:04:18,329 --> 00:04:23,220  
3 share to you guys right here live I got  
123  
4 00:04:21,030 --> 00:04:25,919  
5 a message from the federal student aid  
124  
6 00:04:23,220 --> 00:04:27,030  
7 office and it says you were receiving  
125  
8 00:04:25,919 --> 00:04:29,610  
9 the same  
126  
10 00:04:27,030 --> 00:04:32,430  
11 because a student debt relief company  
127  
12 00:04:29,610 --> 00:04:33,750  
13 that the FTC has recently taken action  
128  
14 00:04:32,430 --> 00:04:37,920  
15 against as a part of a larger  
129  
16 00:04:33,750 --> 00:04:40,500  
17 enforcement has basically done illegal  
130  
18 00:04:37,920 --> 00:04:43,140  
19 has dead illegal upfront fees and made  
131  
20 00:04:40,500 --> 00:04:45,330  
21 false promises on reduced stone student  
132  
22 00:04:43,140 --> 00:04:49,530  
23 loan forgiveness payments so it looks  
133  
24 00:04:45,330 --> 00:04:53,760  
25 like my student loan that I thought that  
134  
26 00:04:49,530 --> 00:04:56,430  
27 I had taken care of is now in flux see I  
135  
28 00:04:53,760 --> 00:04:58,470  
would know how to unravel that and but  
136  
00:04:56,430 --> 00:05:00,210  
you would that go away that you would

1 137  
00:04:58,470 --> 00:05:03,660  
2 know I'd make it go away for Dibango  
3 138  
00:05:00,210 --> 00:05:06,090  
4 yeah yeah like I did this a couple  
5 139  
00:05:03,660 --> 00:05:08,669  
6 months ago like I had to pay like I had  
7 140  
00:05:06,090 --> 00:05:10,260  
8 to pay like three thousand dollars over  
9 141  
00:05:08,669 --> 00:05:12,210  
10 I had to pay like three thousand dollars  
11 142  
00:05:10,260 --> 00:05:13,530  
12 to get them to buy up my loan and then  
13 143  
00:05:12,210 --> 00:05:15,360  
14 they said that they brought it down to  
15 144  
00:05:13,530 --> 00:05:17,250  
16 like eleven thousand or something like  
17 145  
00:05:15,360 --> 00:05:18,480  
18 that and I was like great so I've been  
19 146  
00:05:17,250 --> 00:05:20,040  
20 paying on that like you know  
21 147  
00:05:18,480 --> 00:05:23,010  
22 seventy-five bucks a month or whatever  
23 148  
00:05:20,040 --> 00:05:25,470  
24 for a while now just basically cashing  
25 149  
00:05:23,010 --> 00:05:28,080  
26 it out of my crypto profits off our food  
27 150  
00:05:25,470 --> 00:05:30,030  
28 it's Oliphant and I'm just like oh are  
151  
00:05:28,080 --> 00:05:32,070  
you kidding me right now like it says it  
152

1 00:05:30,030 --> 00:05:34,470  
since October like they took action  
2 153  
3 00:05:32,070 --> 00:05:37,650  
against these guys and what that's a  
4 154  
5 00:05:34,470 --> 00:05:40,070  
good example and I appreciate you know  
6 155  
7 00:05:37,650 --> 00:05:42,750  
Nathan ice I supported you after you got  
8 156  
9 00:05:40,070 --> 00:05:46,050  
pushed around in San Francisco I did  
10 157  
11 00:05:42,750 --> 00:05:47,610  
videos supporting you as a journalist  
12 158  
13 00:05:46,050 --> 00:05:50,370  
and I understand your feelings and I  
14 159  
15 00:05:47,610 --> 00:05:52,260  
understand that I come on my kind of  
16 160  
17 00:05:50,370 --> 00:05:53,940  
rough and tough and all that but the  
18 161  
19 00:05:52,260 --> 00:05:55,830  
fango brings up a really good point here  
20 162  
21 00:05:53,940 --> 00:05:57,030  
is how many people especially people  
22 163  
23 00:05:55,830 --> 00:05:58,290  
listed in this audience and I know  
24 164  
25 00:05:57,030 --> 00:05:59,910  
there's thousands and millions of people  
26 165  
27 00:05:58,290 --> 00:06:02,550  
how many people are in the control  
28 166  
00:05:59,910 --> 00:06:04,050  
matrix because they get a letter they  
167  
00:06:02,550 --> 00:06:05,190  
168

1 get think they get their phone bill they  
168

2 00:06:04,050 --> 00:06:06,510

3 get a letter from the bank they get a  
169

4 00:06:05,190 --> 00:06:08,010

5 letter from student loans and it just  
170

6 00:06:06,510 --> 00:06:09,900

7 fucks their life up they think about it  
171

8 00:06:08,010 --> 00:06:13,740

9 constantly and the quality of their life  
172

10 00:06:09,900 --> 00:06:15,870

11 just goes down the tubes and those kind  
173

12 00:06:13,740 --> 00:06:17,280

13 of things need to be fought against  
174

14 00:06:15,870 --> 00:06:19,080

15 those kinds of things need to be  
175

16 00:06:17,280 --> 00:06:21,120

17 neutralized people need to learn how to  
176

18 00:06:19,080 --> 00:06:22,890

19 fight back people have to fight back  
177

20 00:06:21,120 --> 00:06:24,180

21 against the debt collectors in the IRS  
178

22 00:06:22,890 --> 00:06:25,500

23 and all these other people that are  
179

24 00:06:24,180 --> 00:06:27,270

25 coming after him so they could improve  
180

26 00:06:25,500 --> 00:06:30,990

27 their quality of life as long as people  
181

28 00:06:27,270 --> 00:06:32,160

are bogged down and hit and and pounded  
182

00:06:30,990 --> 00:06:34,530

with all these things that keep coming

DEFENDANT'S OPPOSITION TO THE MOTION TO INTERVENE EXHIBIT A - 12

1 183  
 00:06:32,160 --> 00:06:36,690  
 2 up at court costs this and that net they  
 3 184  
 00:06:34,530 --> 00:06:38,099  
 4 can't ever effectively unite and that's  
 5 185  
 00:06:36,690 --> 00:06:41,430  
 6 part of the control grid that's part of  
 7 186  
 00:06:38,099 --> 00:06:45,180  
 8 this major amen it's 90 memory one  
 9 187  
 00:06:41,430 --> 00:06:46,889  
 10 I see that all the time and that's what  
 11 188  
 00:06:45,180 --> 00:06:49,919  
 12 I'm seeing right now at YouTube and I  
 13 189  
 00:06:46,889 --> 00:06:53,400  
 14 see the nature of the miscommunication  
 15 190  
 00:06:49,919 --> 00:06:54,539  
 16 between everybody between you know I'll  
 17 191  
 00:06:53,400 --> 00:06:55,830  
 18 be honest with you anything I reached  
 19 192  
 00:06:54,539 --> 00:06:58,050  
 20 out did a fango one of the first things  
 21 193  
 00:06:55,830 --> 00:07:00,690  
 22 I asked him for after after we met was  
 23 194  
 00:06:58,050 --> 00:07:02,460  
 24 hey can you put me in touch with David  
 25 195  
 00:07:00,690 --> 00:07:05,069  
 26 Seaman because David's a fellow  
 27 196  
 00:07:02,460 --> 00:07:07,650  
 28 Coloradoan and my mother loves his show  
 197  
 00:07:05,069 --> 00:07:10,199  
 and my work my art has always been about  
 198



1 00:07:07,650 --> 00:07:13,620  
 one thing and one thing only is to be  
 2 199  
 3 00:07:10,199 --> 00:07:15,750  
 entertaining only to my family I could  
 4 200  
 5 00:07:13,620 --> 00:07:17,659  
 care less what else thinks about me and  
 6 201  
 7 00:07:15,750 --> 00:07:20,250  
 I certainly don't give a shit about like  
 8 202  
 9 00:07:17,659 --> 00:07:21,960  
 imaginary friends on the Internet unless  
 10 203  
 11 00:07:20,250 --> 00:07:24,330  
 I can speak more meet the meatbag  
 12 204  
 13 00:07:21,960 --> 00:07:27,449  
 themselves to me they're an infected  
 14 205  
 15 00:07:24,330 --> 00:07:29,430  
 Agent Smith as far as I'm concerned and  
 16 206  
 17 00:07:27,449 --> 00:07:31,020  
 I think that's what we're seeing is more  
 18 207  
 19 00:07:29,430 --> 00:07:33,710  
 of the infection of the agent Smith's  
 20 208  
 21 00:07:31,020 --> 00:07:37,229  
 because like what Dave just explained  
 22 209  
 23 00:07:33,710 --> 00:07:38,969  
 people get triggered very easily and my  
 24 210  
 25 00:07:37,229 --> 00:07:41,370  
 Syfy work has always gone back to one  
 26 211  
 27 00:07:38,969 --> 00:07:43,199  
 specific sci-fi author named Robert  
 28 212  
 00:07:41,370 --> 00:07:45,810  
 Anton Wilson who wrote a book called the  
 213  
 00:07:43,199 --> 00:07:47,310

1 cosmic carrier and the cosmic trigger is  
214

2 00:07:45,810 --> 00:07:49,680

3 one of the most mind opening  
215

4 00:07:47,310 --> 00:07:51,030

5 mind-altering drugs on the planet I hope  
216

6 00:07:49,680 --> 00:07:52,560

7 that everybody reads a copy of it  
217

8 00:07:51,030 --> 00:07:54,180

9 someday but if they don't they could  
218

10 00:07:52,560 --> 00:07:57,150

11 read my psyche ion steamin where I'm  
219

12 00:07:54,180 --> 00:07:59,460

13 making I'm making money shitposting my  
220

14 00:07:57,150 --> 00:08:01,279

15 crappy sci-fi and I'm just looking for  
221

16 00:07:59,460 --> 00:08:03,840

17 friends along the way that get the joke  
222

18 00:08:01,279 --> 00:08:05,909

19 Jason's not one of those guys he doesn't  
223

20 00:08:03,840 --> 00:08:08,880

21 get the joke he works for me you know  
224

22 00:08:05,909 --> 00:08:11,550

23 it's nobody you said that agent smith  
225

24 00:08:08,880 --> 00:08:13,919

25 thing just something in my brain that I  
226

26 00:08:11,550 --> 00:08:16,650

27 was thinking about yesterday kind of  
227

28 00:08:13,919 --> 00:08:18,900

just offhand um you know when the if you  
228

00:08:16,650 --> 00:08:22,620

watch the matrix in the very last part

1 229

00:08:18,900 --> 00:08:24,690

2 where neo gets shot or whatever and you

3 230

00:08:22,620 --> 00:08:26,550

4 know he takes all the bullets and he

5 231

00:08:24,690 --> 00:08:28,469

6 slides down the wall and all the agents

7 232

00:08:26,550 --> 00:08:30,270

8 are looking at him and shit you know

9 233

00:08:28,469 --> 00:08:32,190

10 like in that point when he died or

11 234

00:08:30,270 --> 00:08:33,930

12 whatever you know most people would have

13 235

00:08:32,190 --> 00:08:35,610

14 thought that he would have become the

15 236

00:08:33,930 --> 00:08:36,180

16 one at that point but he really really

17 237

00:08:35,610 --> 00:08:38,250

18 did it

19 238

00:08:36,180 --> 00:08:40,289

20 he was like in the middle of his death

21 239

00:08:38,250 --> 00:08:42,000

22 cycle and when he jumped into the agent

23 240

00:08:40,289 --> 00:08:44,760

24 Smith is really when he got all of his

25 241

00:08:42,000 --> 00:08:46,920

26 power essentially it's because like you

27 242

00:08:44,760 --> 00:08:48,600

28 know neo didn't have any powers and for

29 243

00:08:46,920 --> 00:08:49,949

any of that stuff from before that it

30 244

DEFENDANT'S OPPOSITION TO THE MOTION TO INTERVENE EXHIBIT A - 16

1 00:08:48,600 --> 00:08:52,529  
was just kind of a glitch in the matrix  
2 245  
3 00:08:49,949 --> 00:08:54,540  
that allowed him to you know it when he  
4 246  
00:08:52,529 --> 00:08:57,660  
5 injunction to the other agent  
6 247  
00:08:54,540 --> 00:09:00,300  
7 and he like basically blew him up you  
248  
8 00:08:57,660 --> 00:09:02,250  
9 know he basically like stole that agents  
249  
10 00:09:00,300 --> 00:09:04,620  
abilities and powers so it's like the  
11 250  
12 00:09:02,250 --> 00:09:07,230  
things that we were seeing those guys in  
13 251  
00:09:04,620 --> 00:09:11,100  
14 the black suits do you know we were only  
15 252  
00:09:07,230 --> 00:09:13,769  
16 seeing a very small subsection of what  
253  
17 00:09:11,100 --> 00:09:15,600  
they could really do you know cuz they  
18 254  
00:09:13,769 --> 00:09:17,670  
19 were still limited by their programming  
20 255  
00:09:15,600 --> 00:09:19,319  
21 you know neo didn't have those same  
22 256  
00:09:17,670 --> 00:09:21,269  
23 program on it so when he stole their  
24 257  
00:09:19,319 --> 00:09:24,959  
25 code you know he went it off better but  
258  
26 00:09:21,269 --> 00:09:26,670  
then it also allowed the other thing to  
27 259  
28 00:09:24,959 --> 00:09:28,259

DEFENDANT'S OPPOSITION TO THE MOTION TO INTERVENE EXHIBIT A - 17

1 become you know like the big evil force  
260

2 00:09:26,670 --> 00:09:30,600

3 that was basically trying to you know  
261

4 00:09:28,259 --> 00:09:32,250

5 take over the entire matrix which is  
262

6 00:09:30,600 --> 00:09:34,380

7 really weird you know like we were  
263

8 00:09:32,250 --> 00:09:35,819

9 talking about the whole agent thing and  
264

10 00:09:34,380 --> 00:09:37,649

11 you know like I kind of like do you see  
265

12 00:09:35,819 --> 00:09:39,120

13 that in the census like I don't like to  
266

14 00:09:37,649 --> 00:09:41,160

15 meet people in person you know like I  
267

16 00:09:39,120 --> 00:09:43,050

17 can't really you know trust you until  
268

18 00:09:41,160 --> 00:09:44,880

19 I've been able to be right next to you  
269

20 00:09:43,050 --> 00:09:47,220

21 and I've been able to experience your  
270

22 00:09:44,880 --> 00:09:49,319

23 energy field because I still believe  
271

24 00:09:47,220 --> 00:09:51,839

25 like right down to like the brass tacks  
272

26 00:09:49,319 --> 00:09:53,699

27 of things in our nurture interactions we  
273

28 00:09:51,839 --> 00:09:56,160

can't have very interesting connections  
274

00:09:53,699 --> 00:09:58,170

over vast distances utilizing systems

1 275  
00:09:56,160 --> 00:09:59,850  
2 like the Internet because you know there  
3 276  
00:09:58,170 --> 00:10:01,709  
4 are things inside of us that are  
277  
5 00:09:59,850 --> 00:10:04,709  
6 connected and you know very meticulous  
278  
7 00:10:01,709 --> 00:10:06,329  
ways yet I believe that a lot of us  
8 279  
9 00:10:04,709 --> 00:10:07,260  
forget that you know we have that you  
10 280  
00:10:06,329 --> 00:10:08,490  
11 know we still need that overall  
12 281  
00:10:07,260 --> 00:10:11,389  
13 connection you don't like to meet people  
282  
14 00:10:08,490 --> 00:10:11,389  
15 that's that's why  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**(EXHIBIT F)**

*From H. St. J. Hart  
Dean & Tutor*

*Queens' College  
Cambridge  
(Tel. 50425)  
26 June 1964*

Dear Hawkins,

I congratulate you on your First Class in the Mechanical Sciences Tripos Part I. You now become a Foundation Scholar of the College. The emolument will be £60. You have also been awarded a College Prize of eight guineas (documents enclosed).

With all good wishes,

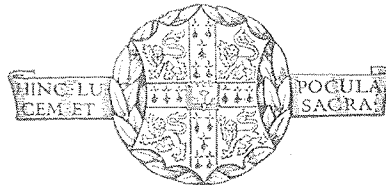
Yours sincerely,

D. C. Hawkins, Esq.,  
Georgian House,  
Mystole Park,  
CHARTHAM, Canterbury, Kent.

*H. St. J. Hart*

.../JC





UNIVERSITY OF CAMBRIDGE

I hereby certify that

DAVID CHARLES HAKINS

of Queens' College in the University of Cambridge  
was at a full Congregation holden in the Senate  
House on 26 June 1965 admitted to the Degree of  
BACHELOR of ARTS

Witness my hand this twenty-sixth day of June  
one thousand nine hundred and sixty-five

A handwritten signature in dark ink, appearing to be 'John', followed by a horizontal line.

Assistant Registry of the University

A handwritten signature in dark ink, appearing to be 'William Baker', with a horizontal line.

**(EXHIBIT G)**

From: **Redbubble** dmca@redbubble.com  
Subject: [Redbubble] Update: ATTN: Litigation hold and spoliation notice  
Date: November 28, 2017 at 6:31 PM  
To:  
Cc: Truth truth@crowdsourcethetruth.org



##- Please type your reply above this line -##

You are registered as a CC on this support request (3154779). Reply to this email to add a comment to the request.



**Georg Webb**

Nov 28, 15:31 PST

I am only be responsive to a legal request for everything i had related to CSTT. If this is not related, that is for other parties to decide. I have no interest in this whatsoever.



**Redbubble Content Team (Redbubble)**

Nov 28, 10:20 PST

Dear Sir/Madam,

Thank-you for contacting Redbubble with your intellectual property and publicity rights concerns.

Redbubble is an online marketplace used by independent artists and designers who take sole responsibility for the content of their work. We value originality and creativity, and we strongly oppose infringement of copyright, trademark, publicity rights or any other intellectual property rights. All complaints we receive about material found on Redbubble that is alleged to infringe anyone's rights are taken seriously.

With that in mind, we've implemented a Notice and Takedown Report process

with that in mind, we've implemented a Notice and Takedown Report process to enable all rights holders to raise concerns about content on the Redbubble website.

As you will read and we're sure you can appreciate, a Notice and Takedown Report is a legally binding document and there are six pieces of essential information that we require to help you protect your IP/publicity rights.

We kindly request that you provide us with the information described in point/s 1, 2, 3, 4, 5 & 6:

1. An electronic or physical signature of the person authorised to act on behalf of the owner of the relevant matter;
2. a description of the matter claimed to have been infringed;
3. a description of where the claimed infringing content is located on the Redbubble site. URLs should be in the format shown below. Submitting these will cover all product variants for each design and you can get them by copying the design's URL from your browser's address bar.

---

[http://www.redbubble.com/people/\[USERNAME\]works/\[WORK-NUMBER-AND-NAME\]](http://www.redbubble.com/people/[USERNAME]works/[WORK-NUMBER-AND-NAME])

---

4. your address, telephone number, and email address;
5. a statement by you that you have a good faith belief that the disputed use is not authorised by the owner, its agent, or the law;
6. a statement by you, made under penalty of perjury, that:
  - a) the above information is accurate; and
  - b) you are authorised to act on behalf of the owner of the rights involved.

As soon as we receive this information, we will expeditiously remove any any content you allege is an infringement of your intellectual property and/or publicity rights.

Regards,  
Redbubble Content Team

**Truth**

Nov 28, 09:37 PST

[Csthetruth.org@gmail.com](mailto:Csthetruth.org@gmail.com) <<mailto:Csthetruth.org@gmail.com>> is not me. You are falsifying "evidence"

On Nov 28, 2017, at 12:32 PM, George Webb <[georg.webb@gmail.com](mailto:georg.webb@gmail.com)> wrote:

Here is a screenshot of all my email to csthetruth

On Tue, Nov 28, 2017 at 9:24 AM, Jason Goodman <[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)> wrote:

It is satire and fair use. A political cartoon made with images of public figures that I have modified.

On Nov 28, 2017, at 5:42 AM, Redbubble <[dmca@redbubble.com](mailto:dmca@redbubble.com)> wrote:

[[http://i9.createsend1.com/ti/y/36/E0C/F62/094609/images/fb\\_icon\\_2x.gif](http://i9.createsend1.com/ti/y/36/E0C/F62/094609/images/fb_icon_2x.gif)]  
<<http://email.redbubble.com/t/y-l-itcal-l-t/>>  
[[http://i1.createsend1.com/ti/y/36/E0C/F62/094609/images/twitter\\_icon\\_2x.gif](http://i1.createsend1.com/ti/y/36/E0C/F62/094609/images/twitter_icon_2x.gif)] <<http://email.redbubble.com/t/y-l-itcal-l-i/>>  
[[http://i2.createsend1.com/ti/y/36/E0C/F62/094609/images/tumblr\\_icon\\_2x.gif](http://i2.createsend1.com/ti/y/36/E0C/F62/094609/images/tumblr_icon_2x.gif)] <<http://email.redbubble.com/t/y-l-itcal-l-d/>>

[Redbubble Logo]



**Georg Webb**

Nov 28, 09:32 PST

Here is a screenshot of all my email to csthetruth

On Tue, Nov 28, 2017 at 9:24 AM, Jason Goodman <[truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org)> wrote:

> It is satire and fair use. A political cartoon made with images of public  
> figures that I have modified.  
>  
>  
> On Nov 28, 2017, at 5:42 AM, Redbubble <[dmca@redbubble.com](mailto:dmca@redbubble.com)> wrote:  
>  
> <<http://email.redbubble.com/t/y-l-itcal-l-t/>>  
> <<http://email.redbubble.com/t/y-l-itcal-l-i/>>  
> <<http://email.redbubble.com/t/y-l-itcal-l-d/>>  
>  
>  
>  
> [image: Redbubble Logo]

Attachment(s)

[cs.PNG](#)



**Georg Webb**

Nov 28, 09:27 PST

Sure thing.

**Truth**

Nov 28, 09:24 PST

It is satire and fair use. A political cartoon made with images of public figures that I have modified.

On Nov 28, 2017, at 5:42 AM, Redbubble  
<[dmca@redbubble.com](mailto:dmca@redbubble.com)<<mailto:dmca@redbubble.com>>> wrote:

[[http://i9.createsend1.com/ti/y/36/E0C/F62/094609/images/fb\\_icon\\_2x.gif](http://i9.createsend1.com/ti/y/36/E0C/F62/094609/images/fb_icon_2x.gif)]  
<<http://email.redbubble.com/t/y-l-itcal-l-t/>>  
[[http://i1.createsend1.com/ti/y/36/E0C/F62/094609/images/twitter\\_icon\\_2x.gif](http://i1.createsend1.com/ti/y/36/E0C/F62/094609/images/twitter_icon_2x.gif)]  
<<http://email.redbubble.com/t/y-l-itcal-l-i/>>  
[[http://i2.createsend1.com/ti/y/36/E0C/F62/094609/images/tumblr\\_icon\\_2x.gif](http://i2.createsend1.com/ti/y/36/E0C/F62/094609/images/tumblr_icon_2x.gif)]  
<<http://email.redbubble.com/t/y-l-itcal-l-d/>>

[Redbubble Logo]



**Georg Webb**

Nov 28, 09:20 PST

I have no affiliation whatsoever with Crowdsourc the Truth.

**Spoliation Notice**

Nov 28, 02:42 PST

To: Corina (Maccarin) Davis

Corina Naome MacCarin – Bar #263748

----- Original Message -----

From: Spoliation Notice <[spoliation-notice@mailbox.org](mailto:spoliation-notice@mailbox.org)>

To: [dmca@redbubble.com](mailto:dmca@redbubble.com), [georg.webb@gmail.com](mailto:georg.webb@gmail.com), [email@redbubble.com](mailto:email@redbubble.com), [truth@crowdsourcethetruth.org](mailto:truth@crowdsourcethetruth.org), Spoliation Notice <[spoliation-notice@mailbox.org](mailto:spoliation-notice@mailbox.org)>

Date: November 28, 2017 at 11:34 AM

Subject: ATTN: Litigation hold and spoliation notice

ATTN: Legal Counsel

A lawsuit shall be commenced upon your corporation in the courts form the State of California for the publication of the attached artwork, sponsored by "csthetruth".

This is your spoliation and litigation hold notice. As this artwork violates various privacy laws in the State of California a complaint shall be lodged with the State Attorney General. Additionally, civil sanctions will be pursued.

ALL records associated with "csthetruth" MUST be safely archived and preserved. This includes all materials related to "csthetruth"; such as, financial records, user applications, previously submitted artwork, invoices, e-mail exchanges, etc.

This "cdthetruth" artwork displays a copyright protected photo of our client, David George Sweigert. He is depicted wearing a dunce cap in a straight jacket.

This appears to be the work of George Webb Sweigert and Jason Goodman, both copied on this message.

We believe this is a gross violation of your corporate community standards policy as it holds our client (a private citizen) up to public ridicule and mockery. Additionally, "csthetruth" does not have permission to use this photograph.

Respectfully,

Evidence Collection Team

Attachment(s)  
[csthetruth.png](#)

---

### **Spoliation Notice**

Nov 28, 02:34 PST

ATTN: Legal Counsel

A lawsuit shall be commenced upon your corporation in the courts form the State of California for the publication of the attached artwork, sponsored by "csthetruth".

This is your spoliation and litigation hold notice. As this artwork violates various privacy laws in the State of California a complaint shall be lodged with the State Attorney General. Additionally, civil sanctions will be pursued.

ALL records associated with "csthetruth" MUST be safely archived and preserved. This includes all materials related to "csthetruth"; such as, financial records, user applications, previously submitted artwork, invoices, e-mail exchanges, etc.

This "cdthetruth" artwork displays a copyright protected photo of our client, David George Sweigert. He is depicted wearing a dunce cap in a straight jacket. This appears to be the work of George Webb Sweigert and Jason Goodman, both copied on this message.

We believe this is a gross violation of your corporate community standards policy as it holds our client (a private citizen) up to public ridicule and mockerv. Additionally, "csthetruth" does not have nermission to use this



...  
photograph.

Respectfully,

Evidence Collection Team

Attachment(s)  
[csthetruth.png](#)

[1VXKYG-K289]

Redbubble.com  
111 Sutter St, 17th fl  
San Francisco, CA  
94104 USA

November 28, 2018

**COUNTER NOTICE Re: Removal of Crowdsorce the Truth Art**

Dear Redbubble.com,

I, Jason Goodman, am the owner of Crowdsorce the Truth and the Redbubble.com account of that same name. I am writing in response to the recent removal of two items from the Crowdsorce the Truth Redbubble.com print on demand store. The items in question are:

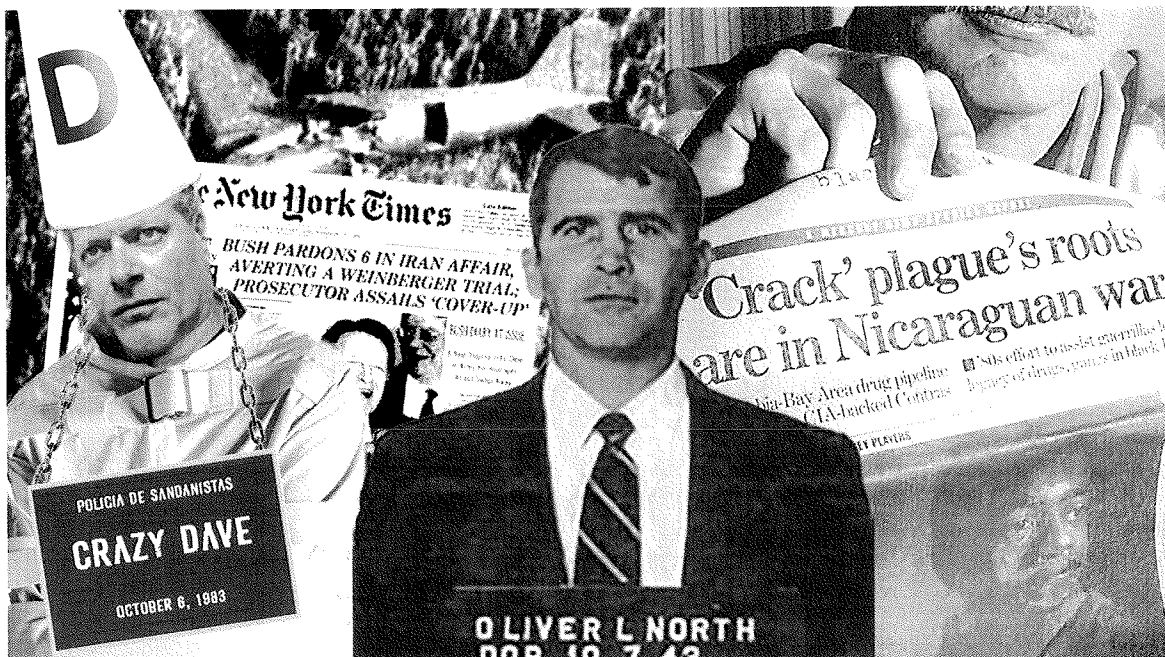
Deep State Dunces

<https://www.redbubble.com/people/csthetruth/works/29102359-deep-state-dunces>



Iran Contra Crazies

<https://www.redbubble.com/people/esthetruth/works/29394927-iran-contra-crazies>



I consider this a very serious matter as it deals directly with the first amendment right to freedom of speech, freedom of the press as well as important elements of the Digital Millennium Copyright Act and other laws including Fair Use and Parody. This complaint also seeks to circumvent matters currently under consideration by the U.S. District Court in the Southern District of New York in pending civil litigation.

**1:18-cv-08653-VEC Sweigert v. Goodman**

Valerie E. Caproni, presiding

**Date filed:** 09/21/2018

**Date of last filing:** 11/26/2018

Crowdsource the Truth is a U.S. based news, commentary, op-ed and information analysis education and entertainment multimedia network.

[https://www.youtube.com/channel/UC8Cl9QaRtuW9CNjP7pP4BBQ?view\\_as=subscriber](https://www.youtube.com/channel/UC8Cl9QaRtuW9CNjP7pP4BBQ?view_as=subscriber)

Our video programs are frequently accompanied by political photo-cartoons and comedic photo collages which include depictions of the political figures, newsmakers, celebrities and individuals we discuss on the show. Our contributors include journalists, legal experts, criminal investigators, authors, commentators, political figures, celebrities and members of the general public.



The complainant, David Sweigert (aka D. George Sweigert, aka Dave Acton) has engaged in two separate frivolous civil suits specifically directed toward chilling the journalistic efforts of Jason Goodman, the owner of the Redbubble.com account in question. Both of these civil suits have been stymied in court because they are based on meritless claims and are considered Strategic Lawsuits Against Public Participation (SLAPP lawsuits). This is a dubious practice of bringing legal action in the form of civil lawsuits and filing claims to chill the free speech of the target of the complaint. In one of the suits, an Anti SLAPP counterclaim has been filed. Your legal department can view this on Pacer.gov <https://ecf.vaed.uscourts.gov/doc1/18918801049>

**3:17-cv-00601-MHL Steele et al v. Goodman et al**

M. Hannah Lauck, presiding

**Date filed:** 09/01/2017

**Date of last filing:** 09/06/2018

In the other suit, the Plaintiff (Sweigert) has been ordered by the Federal District Court for the Southern District of New York to cease from entering further pleadings and is bound by an as yet unanswered Judge's Order to Show Cause. His complaint to Redbubble.com has arrived coincidentally just after this order was issued and is an obvious attempt at further punitive action outside the court system. It should be further noted that this complaint to Redbubble.com is a clear defiance of the spirit and intent of the Federal Judge's pending Order to Show Cause. Remedying the complaint via removal of the artwork could in fact embroil Redbubble.com in the ongoing civil action in U.S. District Court in the Southern District of New York.

It should be further noted, despite the fact that this artwork has been present on Redbubble.com for nearly one year, Sweigert has only chosen to act AFTER the Judge's refusal to accept his complaint demanding a court order for the removal of items from Redbubble.com. This is clearly an effort on Sweigert's part to circumvent the spirit and intention of the Judge's standing order. One might infer that Sweigert was motivated to contact Redbubble.com to achieve this outcome now that it is becoming increasingly clear that Sweigert's baseless complaints are being rendered moot by the Federal Courts in which they are under consideration.

In further defiance of the spirit and intent of the order from the Federal Judge, on November 27, 2018, Sweigert published a video on YouTube in which he boasts of his plans to take further punitive action against Goodman and directly references Redbubble.com's compliance with his illicit demand. I would reiterate that the removal of this artwork from Redbubble.com is a matter directly in question in the pending federal civil suit and it is very important that Redbubble.com not get involved in any arbitration or decision making in this matter until the suit is settled and a final order issued by the court.

On these grounds, I would humbly request Redbubble.com reinstate these graphic elements and return Jason Goodman's Redbubble.com account to its previous status, restoring the account to its condition prior to Sweigert's vindictive and unfounded demand. Redbubble.com should ignore any communications from Sweigert absent a court order in the pending case.

Your legal department can refer to all of the 70 + pleadings in the case on Pacer.gov, via the link below, alternately I can provide all the documentation if required.

[https://ecf.nysd.uscourts.gov/cgi-bin/HistDocQry.pl?461218112993504-L\\_1\\_0-1](https://ecf.nysd.uscourts.gov/cgi-bin/HistDocQry.pl?461218112993504-L_1_0-1)

The individuals depicted in each of these graphic images are clearly defined as limited purpose public figures. According to USlegal.com and other widely accepted legal definitions.xxx

#### Public Figure Law and Legal Definition

A public figure is a person of great public interest or fame, such as a politician, celebrity, or sports hero. The term usually used in the context of libel and defamation actions, where the standards of proof are higher if the party claiming defamation is a public figure and therefore has to prove disparaging remarks were made with actual malice.

A person may also be considered a "limited purpose" public figure by having thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved. The determination is made on a case-by-case basis, taking the particular facts into account.

The individual who filed the grievance with Redbubble.com is David George Sweigert. (aka D.George Sweigert, aka Dave Acton) Sweigert is a professional actor, and often appears under his stage name Dave Acton.

<https://casting360.com/portfolio/?view=1108109>  
<https://youtu.be/G3Q8KTIJPHc?t=1920>

The screenshot shows a YouTube video player for a video titled "Infowars". The video is 32:00 long and has 1.13K views and 2 comments. The video player interface includes a progress bar, a description box, and a sidebar with channel statistics and tags.

**Video Title:** Infowars

**Views:** 1.13K

**Comments:** 2

**Channel:** Infowars

**Channel Stats:**

- 1.76M Views
- 2.69K Subscribers
- 888 Videos

**Channel Description:**

Infowars is a channel that provides news and commentary on current events, politics, law, and more. The channel is run by David Acton, also known as Dave Acton.

**Tags:**

- infowars
- news
- politics
- law
- commentary
- current events
- politics news
- law news
- commentary news
- current events news
- politics news
- law news
- commentary news
- current events news

This individual has appeared on Television, in films and almost daily throughout the internet on social media channels including YouTube. His YouTube channel Acton the Actor, currently retitled "Prepper Kitty News" offers daily commentary on current events, politics, law, hoax "news" events and his as yet unresolved civil suit against Jason Goodman among other topics.

<https://www.youtube.com/user/ActontheActor>

The screenshot shows the YouTube channel page for 'Prepper Kitty News'. The channel has 13,024 subscribers. The banner image features a woman with the text 'PREPPER KITTY NEWS' overlaid. The left sidebar shows the channel's navigation menu with options like Home, Trending, Subscriptions, Originals, Library, History, Watch later, Purchases, Sunday With Char, and Show more. The main content area displays a list of uploads, including 'George Webb loves George Soros disses Julian Assange and his cat', 'Defango Alert -- Defango Alert -- Defango Alert', and 'George Webb oil man catches moldy spores in Bakersfield'.

One of his most recent video productions is a clip in which he boasts of his “victory” in the removal of the artwork from Redbubble.com and promises additional legal action in the state of Arizona (in defiance of the spirit and intent of the court order currently in full force and effect from the Federal Judge in the Southern District of New York). It is exceedingly important that Redbubble.com NOT intervene or otherwise interfere with the pending process of this civil suit.

The screenshot shows a YouTube video player with a video titled 'Uh oh. 0 results for "Deep State Dunces"'. The video content shows a search result for 'Deep State Dunces' on a website, with the text 'Uh oh. 0 results for "Deep State Dunces".' and 'Check your spelling. If that doesnt work, try something new.' The video player includes a progress bar and a timestamp of 1:05 / 2:21. The right sidebar shows video statistics, including 523 total views, 24 dislikes, and 0 likes. The video is categorized under 'Politics' and 'Current Events'. The video is also tagged with 'George Soros' and 'Julian Assange'.



Additionally, Sweigert has boldly interfered in criminal proceedings in the state of Arizona in the pending case of an individual name Michael J Barden. Barden has appeared on Crowdsorce the Truth as an interview subject with regard to his criminal charges. Sweigert's interference in this criminal case is currently under investigation and Barden has stated his intention to enter a pleading requesting the court issue Sweigert yet another Order to Show Cause as to why he is contacting officers of the court and interfering in the criminal proceedings with which Sweigert has no direct involvement.

As a public figure in the political and social media sphere, Sweigert's permission is not needed for the creation of 1<sup>st</sup> amendment protected political parody or artistic commentary involving depictions of Sweigert as outlined in the Fair Use clause of the Digital Millennium Copyright Act. The Fair Use clause of the DMCA states:

#### **Fair Use**

There is a doctrine in the United States copyright law called "Fair Use" which allows people to use your content without your permission. Fair Use is now widely accepted in most countries around the world. It allows the limited use of copyrighted material without requiring permission from the copyright owner. Items considered Fair Use would be commentary, criticism, news reporting, research, teaching or scholarship. It provides for the legal, non-licensed citation or incorporation of copyrighted material in another author's work under a four-factor balancing test. To read the US Copyright law section which specific references Fair Use [click here](#)

It references four factors to measure fair use. They are:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

Since the use of the photographic image of Swiebert's face is a matter under consideration by the Federal District Court in the Southern District of New York, and since that matter remains undecided at present, Sweigert has no authority to demand the removal of this image from Redbubble.com and Redbubble.com should DENY his demands to comply with such a request.

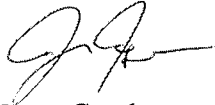
It is of paramount importance that Redbubble.com remain out of the vindictive legal battle initialed by Sweigert and allow the court in the Southern District of New York to issue its order before any action is taken.

I would kindly and humbly request Redbubble.com restore the artwork to its previous state and insist that Sweigert's claims be backed by a court order from the court in which this proceeding is currently underway. Any other action aside from restoration of the artwork, on the part of Redbubble.com would be wholly inappropriate while this matter is still pending adjudication.

Under penalty of perjury, I have a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled. The complainant had no right to demand removal for the reasons detailed above. I consent to the jurisdiction of the Federal District Court, San Francisco County, California, United States and I

will accept service of process from the person who provided notification described above or an agent of such person.

Thank you for your kind consideration and prompt cooperation.

A handwritten signature in black ink, appearing to read 'J. Goodman', with a stylized flourish at the end.

Jason Goodman  
252 7<sup>th</sup> Avenue #6s  
New York, NY 10001  
truth@crowdsourcethetruth.org  
212-244-8585



**(EXHIBIT H)**

